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Election and Registration LAWS *of* CALIFORNIA

Including the
NATURALIZATION LAWS *of the*
UNITED STATES

Also
CHARTER PROVISIONS RELATING TO
ELECTIONS *in the*
CITY AND COUNTY *of*
SAN FRANCISCO

Compiled by the Registrar of Voters

Published by Order of the
BOARD OF ELECTION COMMISSIONERS

1923

POLITICAL CALENDAR
1923--1924

1923

General Municipal Election November 6, 1923

1924

Presidential Primary Election May 6, 1924

Primary Election August 26, 1924

General Election November 4, 1924

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**ASSEMBLY, SENATORIAL, CONGRESSIONAL, APPELLATE
AND EQUALIZATION DISTRICTS.**

Senatorial Districts	Assembly Districts	Congressional, Equalization and Appellate Districts
18	Part 32-33	4th Congressional District 21st, 28th, 30th, 31st, 32nd and 33rd Assembly Districts.
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20	Part 26-27-28 30-31	5th Congressional District 22nd, 23rd, 24th, 25th, 26th, 27th and 29th Assembly Districts.
21	Part 22-25-26 27	
22	Part 25-26-29 30	1st Equalization District San Francisco, San Mateo, Santa Cruz, Santa Clara, San Benito, Monterey and San Luis Obispo.
23	Part 21-22	1st Appellate District—Division 1 and 2 San Francisco, Marin, Alameda, Contra Costa, San Mateo, Santa Clara, Fresno, Santa Cruz, Monterey and San Benito.
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ELECTION LAWS

CONSTITUTION.

ARTICLE II. Right of Suffrage.

Section 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the state one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this state; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was sixty years of age and upwards on October 10, 1911; provided, further, that the Legislature may, by general law, provide for the casting of votes by duly registered voters who, by reason of their occupation, are regularly required to travel about the State and who, by such affidavit as the Legislature may prescribe, show that they will be absent from their respective precincts on the day on which any primary or general election is held, or who, by reason of their being engaged in the military or naval service of the United States or of the State, may be absent from their respective precincts on the day on which any primary or general election is held; which votes (a) may be cast in the office of the registrar of voters, or of the county clerk of the county or city and county in which such voters respectively reside, and on a day prior to the date of such election, under such provisions as the Legislature may see fit to make; or (b) may be cast in the city, city and county or town within this State in which such voters may be on the day on which such election is held, under such provisions as the Legislature may see fit to make, and shall be forwarded in such manner as the Legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots cast at such election; or (c) in cases where said voters are engaged in such military or naval service, may be cast at any place, under such provisions as the Legislature may see fit to make, and shall be forwarded in such manner as the Legislature may prescribe to the officers respectively of the city, city and county or town having charge of the counting of the ballots at such election; all of which votes shall be kept in such manner and counted by such methods as the Legislature may prescribe; provided, that it must be required that all ballots cast in any other place than the precinct of the voter must be received by the county clerk of the county, in which the voter is registered, within two weeks of the election, in which such ballots are to be counted. (Amended November 6, 1894; October 10, 1911; November 7, 1922.)

Privileged From Arrest.

Sec. 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to or returning therefrom.

Primary Election.

Sec. 2 1/2. The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties; and the Legislature shall enact laws providing for the direct nomination of candidates for public office, by electors, political parties, or organizations of electors without conventions, at elections to be known and designated as primary elections; and also to determine the tests and conditions upon which electors, political parties, or organizations of electors may participate in any such primary election. It shall also be lawful for the Legislature to prescribe that any such primary election shall be man-

datory and obligatory. The Legislature shall also have the power to establish the rates of compensation for primary election officers serving at such primary elections in any city, or city and county, or county, or other subdivision of a designated population, without making such compensation uniform, and for such purpose such law may declare the population of any city, city and county, county or political subdivision. Provided, however, that until the Legislature shall enact a direct primary election law under the provisions of this section, the present primary election law shall remain in force and effect. (Amendment adopted November 3, 1908.)

Military Duty.

Sec. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

When Residence Gained or Lost.

Sec. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any almshouse or other asylum, at public expense; nor while confined in any public prison.

Manner of Voting—Secrecy.

Sec. 5. All elections by the people shall be by ballot or by such other method as may be prescribed by law, provided, that secrecy in voting be preserved.

Different Methods of Voting in Different Sections.

Sec. 6. The inhibitions of this Constitution to the contrary notwithstanding, the Legislature shall have power to provide that in different parts of the State different methods may be employed for receiving and registering the will of the people as expressed at elections, and may provide that mechanical devices may be used within designated subdivisions of the State, at the option of the local authority indicated by the Legislature for that purpose. (Amended November 4, 1902.)

ARTICLE IV.

Legislative Powers.

Section 1. The legislative power of this State shall be vested in a Senate and Assembly which shall be designated "The Legislature of the State of California," but the people reserve to themselves the power to propose laws and amendments to the Constitution, and to adopt or reject the same, at the polls independent of the Legislature, and also reserve the power, at their own option, to so adopt or reject any act, or section or part of any act, passed by the Legislature. The enacting clause of every law shall be "The people of the State of California do enact as follows:"

Initiative.

The first power reserved to the people shall be known as the initiative. Upon the presentation to the Secretary of State of a petition certified as herein provided to have been signed by qualified electors, equal in number to eight per cent of all the votes cast for all candidates for Governor at the last preceding general election, at which a Governor was elected, proposing a law or amendment to the Constitution, set forth in full in said petition, the Secretary of State shall submit the said proposed law or amendment to the Constitution to the electors at the next succeeding general election occurring subsequent to ninety days after the presentation aforesaid of said petition, or at any special election called by the Governor in his discretion prior to such general election. All such initiative petitions shall have printed across the top thereof in twelve point black-face type the following: "Initiative measure to be submitted directly to the electors."

Upon the presentation to the Secretary of State, at any time not less than ten days before the commencement of any regular session of the Legislature, of a petition certified as herein provided to have been signed by qualified electors of the State equal in number to five per cent of all the votes cast for all candidates for Governor at the last preceding general election, at which a Governor was elected, proposing a law set forth in full in said petition, the Secretary of State shall transmit the same to the Legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected

without change or amendment by the Legislature, within forty days from the time it is received by the Legislature. If any law proposed by such petition shall be enacted by the Legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the Legislature within said forty days, the Secretary of State shall submit it to the people for approval or rejection at the next ensuing general election. The Legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a yea and nay vote upon separate roll call, and in such event both measures shall be submitted by the Secretary of State to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the Governor, in his discretion, for such purpose. All said initiative petitions last above described shall have printed in twelve point black-face type the following: "Initiative measure to be presented to the Legislature."

Referendum.

The second power reserved to the people shall be known as the referendum. No act passed by the Legislature shall go into effect until ninety days after the final adjournment of the session of the Legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the State, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a statement of the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a yea and nay vote, upon a separate roll call thereon; provided, however, that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the Legislature and declared to be an urgency measure shall go into immediate effect.

Time and Per Cent.

Upon presentation to the Secretary of State within ninety days after the final adjournment of the Legislature of a petition certified as herein provided, to have been signed by qualified electors equal in number to five per cent of all the votes cast for all candidates for Governor at the last preceding general election at which a Governor was elected, asking that any act or section or part of any act of the Legislature, be submitted to the electors for their approval or rejection, the Secretary of State shall submit to the electors for their approval or rejection, such act, or section or part of such act, at the next succeeding general election occurring at any time subsequent to thirty days after the filing of said petition or at any special election which may be called by the Governor, in his discretion, prior to such regular election, and no such act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of any act the remainder of such act shall not be delayed from going into effect.

Majority Approves—No Veto.

Any act, law or amendment to the Constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon, at any election, shall take effect five days after the date of the official declaration of the vote by the Secretary of State. No act, law or amendment to the Constitution, initiated or adopted by the people, shall be subject to the veto power of the Governor, and no act, law or amendment to the Constitution, adopted by the people at the polls under the initiative provisions of this section, shall be amended or repealed except by a vote of the electors, unless otherwise provided in said initiative measure; but acts and laws adopted by the people under the referendum provisions of this section may be amended by the Legislature at any subsequent session thereof. If any provision or provisions of two or more measures, approved by the electors at the same election, conflict, the provision or provisions of the measure receiving the highest affirmative vote shall prevail. Until otherwise provided by law, all measures submitted to a vote of the electors, under the provisions of this section, shall be printed, and together with arguments for and against each such measure by the proponents and opponents thereof, shall be mailed to each elector in the same manner as now provided by law as to amendments to the Constitution, proposed by the Legislature; and

the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the Senate.

Failure to Submit Measure.

If for any reason any initiative or referendum measure, proposed by petition as herein provided, be not submitted at the election specified in this section, such failure shall not prevent its submission at a succeeding general election, and no law or amendment to the Constitution, proposed by the Legislature, shall be submitted at any election unless at the same election there shall be submitted all measures proposed by petition of the electors, if any be so proposed, as herein provided.

Petitions May Be Presented in Sections.

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the State shall be competent to solicit said signatures within the county or city and county of which he is an elector. Each section of the petition shall bear the name of the county or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be *prima facie* evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

Filing Petition—Supplemental.

Each section of the petition shall be filed with the clerk or Registrar of Voters of the county or city and county in which it was circulated, but all said sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the filing of such petition in his office the said clerk, or Registrar of Voters, shall determine from the records of registration what number of qualified electors have signed the same, and if necessary the Board of Supervisors shall allow said clerk or Registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or Registrar, upon the completion of such examination, shall forthwith attach to said petition, except the signatures thereto appended, his certificate, properly dated, showing the result of said examination and shall forthwith transmit said petition, together with his said certificate, to the Secretary of State and also file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or Registrar to the Secretary of State, a supplemental petition identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or Registrar of Voters, as aforesaid. The clerk or Registrar of Voters shall within ten days after the filing of such supplemental petition make like examination thereof, as of the original petition, and upon the completion of such examination shall forthwith attach to said petition his certificate, properly dated, showing the result of said examination, and shall forthwith transmit a copy of said supplemental petition, except the signatures thereto appended, together with his certificate, to the Secretary of State.

Duties of Secretary of State.

When the Secretary of State shall have received from one or more County Clerks or Registrars of Voters a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the County Clerk or Registrar of Voters of every county or city and county in the State his certificate showing such fact. A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by him of a certificate or certificates showing said petition to be signed by the requisite number

of electors of the State. Any County Clerk or Registrar of Voters shall, upon receipt of such copy, file the same for record in his office. The duties herein imposed upon the clerk or Registrar of Voters shall be performed by such Registrar of Voters in all cases where the office of Registrar of Voters exists.

Powers Reserved to the People of the Counties and Cities.

The initiative and referendum powers of the people are hereby further reserved to the electors of each county, city and county, city and town of the State, to be exercised under such procedure as may be provided by law. Until otherwise provided by law, the Legislative body of any such county, city and county, city or town may provide for the manner of exercising the initiative and referendum powers herein reserved to such counties, cities and counties, cities and towns, but shall not require more than fifteen per cent of the electors thereof to propose any initiative measure nor more than ten per cent of the electors thereof to order the referendum. Nothing contained in this section shall be construed as affecting or limiting the present or future powers of cities or cities and counties having charters adopted under the provisions of section eight of article eleven of this Constitution. In the submission to the electors of any measure under this section, all officers shall be guided by the general laws of this State, except as is herein otherwise provided. This section is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting either the provisions of this section or the powers herein reserved.

ARTICLE XI.

City Charters.

Sec. 8. Any city or city and county containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of California, may frame a charter for its own government, consistent with and subject to this Constitution; and any city, or city and county having adopted a charter may adopt a new one. Any such charter shall be framed by a board of fifteen freeholders chosen by the electors of such city at any general or special election, but no person shall be eligible as a candidate for such board unless he shall have been, for the five years next preceding, an elector of said city. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city, and, on presentation of a petition signed by not less than fifteen per cent of the registered electors of such city, the legislative body shall call such election at any time not less than thirty nor more than sixty days from date of the filing of the petition. Any such petition shall be verified by the authority having charge of the registration records of such city or city and county and the expenses of such verification shall be provided by the legislative body thereof. Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections. The board of freeholders shall, within one hundred twenty days after the result of the election is declared, prepare and propose a charter for the government of such city; but the said period of one hundred twenty days may with the consent of the legislative body of such city be extended by such board not exceeding a total of sixty days. The charter so prepared shall be signed by a majority of the board of freeholders and filed in the office of the clerk of the legislative body of said city. The legislative body of said city shall within fifteen days after such filing cause such charter to be published once in the official paper of said city; (or in case there be no such paper, in a paper of general circulation); and shall cause copies of such charter to be printed in convenient pamphlet form, and shall, until the date fixed for the election upon such charter, advertise in one or more papers of general circulation published in said city a notice that such copies may be had upon application therefor. Such charter shall be submitted to the electors of such city at a date to be fixed by the board of freeholders, before such filing and designated on such charter, either at a special election held not less than sixty days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said sixty days. If a majority of the qualified voters voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the Legislature, if then in session, or at the next regular or special session of the Legislature. The Legislature shall by concurrent

resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city or city and county, and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the secretary of state, one with the recorder of the county in which such city is located, and one in the archives of the city; and thereafter the courts shall take judicial notice of the provisions of such charter. The charter of any city or city and county may be amended by proposals therefor submitted by the legislative body of the city on its own motion or on petition signed by fifteen per cent of the registered electors, or both. Such proposals shall be submitted to the electors only during the six months next preceding a regular session of the Legislature or thereafter and before the final adjournment of that session and at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city or city and county not less than sixty days prior to the general election next preceding a regular session of the Legislature. The signatures on such petition shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a proposed charter, and the election thereon held at a date to be fixed by the legislative body of such city, not less than forty and not more than sixty days after the completion of the advertising in the official paper. If a majority of the qualified voters voting on any such amendment vote in favor thereof it shall be deemed ratified, and shall be submitted to the Legislature at the regular session next following such election; and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter. In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of the votes, the proposition receiving the larger number of votes shall control as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. It shall be competent in any such charter, or amendment thereof, to provide for the creation of boroughs in all or any part of the territory of the city or city and county governed thereby, and to provide that each such borough may exercise such general or special municipal powers, and to be administered in such manner, as may be prescribed for each such borough in such charter; provided, however, that after the creation of any such borough, the powers thereof shall not be modified, amended or abridged in any manner, without the consent of a majority of the qualified electors of such borough voting at a regular or special election.

The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general State election; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city or city and county shall, so far as applicable, govern all elections held under the authority of this section. (Amended November 3, 1914; November 7, 1922.)

City Charters, What May Contain.

Sec. 8 1/2. It shall be competent, in all Charters framed under the authority given by section eight of this article to provide, in addition to those provisions allowable by this Constitution and by the laws of the State as follows:

1. For the constitution, regulation, government, and jurisdiction of Police Courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attaches; and for the establishment, constitution, regulation, government and jurisdiction of Municipal Courts and judges thereof, with such civil and criminal and magisterial

jurisdiction as by law may be conferred upon inferior courts and judges thereof; and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attaches; provided such Municipal Courts shall never be deprived of the jurisdiction given inferior courts created by general law.

Municipal Court.

In any city or any city and county, when such Municipal Court has been established, there shall be no other court inferior to the Superior Court; and pending actions, trials, and all pending business of inferior courts within the territory of such city or city and county, upon the establishment of any such Municipal Court, shall be and become pending in such Municipal Court, and all records of such inferior courts shall thereupon be and become the records of such Municipal Court.

2. For the manner in which, the times at which, and the terms for which the members of Boards of Education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the Boards of Police Commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which and the times at which any municipal election shall be held and the result thereof determined; for the manner in which, the times at which and the terms for which the members of all Boards of Election shall be elected or appointed, and for the constitution, regulation, compensation and government of such boards, and of their clerks and attaches, and for all expenses incident to the holding of any election.

It shall be competent in any Charter framed in accordance with the provisions of this section, or section eight of the article, for any city or consolidated city and county, and plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein or by amendment thereto, the manner in which, the method by which, the times at which, and the terms for which the several county and municipal officers and employes whose compensation is paid by such city or city and county, excepting Judges of the Superior Court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employes that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employes. All provisions of any Charter of any such city or consolidated city and county, heretofore adopted, and amendments thereto, which are in accordance herewith, are hereby confirmed and declared valid.

5. It shall be competent in any Charter or amendment thereof, which shall hereafter be framed under the authority given by section eight of this article, by any city having a population in excess of 50,000 ascertained as prescribed by said section eight, to provide for the separation of said city from the county of which it has theretofore been a part and the formation of said city into a consolidated city and county to be governed by such Charter, and to have combined powers of a city and county, as provided in this Constitution for consolidated city and county government, and further to prescribe in said Charter the date for the beginning of the official existence of said consolidated city and county.

It shall also be competent for any such city, not having already consolidated as a city and county to hereafter frame, in the manner prescribed in section eight of this article, a Charter providing for a city and county government, in which Charter there shall be prescribed territorial boundaries which may include contiguous territory not included in such city, which territory, however, must be included in the county within which such city is located.

If no additional territory is proposed to be added, then upon the consent to the separation of any such city from the county in which it is located, being given by a majority of the qualified electors voting thereon in such county and upon the ratification of such Charter by a majority of the qualified electors voting thereon in such city, and the approval thereof by the Legislature, as prescribed in section eight of this article, said Charter shall be deemed adopted and upon the date fixed therein said city shall be and become a consolidated city and county.

If additional territory which consists wholly of only one incorporated city or town, or which consists wholly of unincorporated territory, is proposed to be added, then, upon the consent to such separation of such territory and of the

city initiating the consolidation proposal being given by a majority of the qualified electors voting thereon in the county in which the city proposing such separation is located, and upon the ratification of such charter by a majority of the qualified electors voting thereon in such city so proposing the separation, and also upon the approval of the proposal hereinafter set forth, by a majority of the qualified electors voting thereon in the whole of such additional territory, and the approval of said Charter by the Legislature, as prescribed in section eight of this article, said Charter shall be deemed adopted, the indebtedness hereinafter referred to shall be deemed to have been assumed, and upon the date fixed in said Charter such territory and such city shall be and become one consolidated city and county.

The proposal to be submitted to the territory proposed to be added shall be substantially in the following form and submitted as one indivisible question:

"Shall the territory (herein designated in general terms the territory to be added) consolidate with the city of (herein insert name of the city initiating the proposition to form a city and county government) in a consolidated city and county government, and shall the Charter as prepared by the city of (herein insert the name of the city initiating such proposition) be adopted as the Charter of the consolidated city and county, and shall the said added territory become subject to taxation along with the entire territory of the proposed city and county, in accordance with the assessable valuation of the property of the said territory, for the following indebtedness of said city (herein insert name of the city initiating such proposition) to-wit: (herein insert in general terms reference to any debts to be assumed, and if none insert 'none')."

If additional territory is proposed to be added, which includes unincorporated territory and one or more incorporated cities or towns, or which includes more than one incorporated city or town, the consent of any such incorporated city or town shall be obtained by a majority vote of the qualified electors thereof voting upon a proposal substantially as follows:

"Shall (herein insert the name of the city or town to be included in such additional territory) be included in a district to be hereafter defined by the city of (herein insert the name of the city initiating the proposition to form a city and county government) which district shall, within two years from the date of this election, vote upon a proposal submitted as one indivisible question that such district to be then described and set forth shall consolidate with (herein insert name of the city initiating said consolidation proposition) in a consolidated city and county government, and also that a certain Charter, to be prepared by the city of (herein insert name of the city initiating such proposition) be adopted as the Charter of such consolidated city and county, and that such district become subject to taxation along with the entire territory of the proposed city and county in accordance with the assessable valuation of the property of said district for the following indebtedness of said city of (herein insert name of the city initiating such proposition) to-wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none')."

Any and all incorporated cities or towns to which the foregoing proposal shall have been submitted and a majority of whose qualified electors voting thereon shall have voted in favor thereof, together with such unincorporated territory as the city initiating such consolidation proposal may desire to have included, the whole to form an area contiguous to said city, shall be created into a district by such city, and the proposal substantially as above prescribed to be used when the territory proposed to be added consists wholly of only one incorporated city or town, or wholly of unincorporated territory, shall, within two years, be submitted to the voters of said entire district as one indivisible question.

Upon consent to the separation of such district and of the city initiating the consolidation proposal being given by a majority of the qualified electors voting thereon in the county in which the city proposing such separation is located, and upon the ratification of such Charter by a majority of the qualified electors voting thereon in such city, and upon the approval of the proposal hereinbefore set forth by a majority of the qualified electors voting thereon in the whole of the said district so proposed to be added, and upon the approval of said Charter by the Legislature, as prescribed in section eight of this article, said Charter shall be deemed adopted, the said indebtedness referred to in said proposal shall be deemed to have been assumed, and upon the date fixed in said Charter, such district and such city shall be and become one consolidated city and county.

6. It shall be competent for any consolidated city and county now existing, or which shall hereafter be organized, to annex territory contiguous to such consolidated city and county, unincorporated or otherwise, whether situated wholly

in one county, or parts thereof be situated in different counties, said annexed territory to be an integral part of such city and county, provided that such annexation of territory shall only include any part of the territory which was at the time of the original consolidation of the annexing city and county, within the county from which such annexing city and county was formed, together with territory which was concurrently, or has since such consolidation been joined in a county government with the area of the original county not included in such consolidated city and county.

If additional territory, which consists wholly of only one incorporated city, city and county or town, or which consists wholly of unincorporated territory, is proposed to be annexed to any consolidated city and county now existing or which shall hereafter be organized, then, upon the consent to any such annexation being given by a majority of the qualified electors voting thereon in any county or counties in which any such additional territory is located, and upon the approval of such annexation proposal by a majority of the qualified electors voting thereon in such city and county, and also upon the approval of the proposal hereinafter set forth by a majority of the qualified electors voting thereon in the whole of such territory proposed to be annexed, the indebtedness hereinafter referred to shall be deemed to have been assumed, and at the time stated in such proposal, such additional territory and such city and county shall be and become one consolidated city and county, to be governed by the Charter of the city and county proposing such annexation, and any subsequent amendment thereto.

The proposal to be submitted to the territory proposed to be annexed, shall be substantially in the following form and submitted as one indivisible question:

"Shall the territory (herein designate in general terms the territory to be annexed) consolidate with the city and county of (herein insert the name of the city and county initiating the annexation proposal) in a consolidated city and county government, said consolidation to take effect (herein insert date when such consolidation shall take effect) and shall the said annexed territory become subject to taxation, as an integral part of the city and county so formed, in accordance with the assessable valuation of property of said territory for the following indebtedness of said city and county of (herein insert name of the city and county) to-wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none')."

If additional territory including unincorporated territory and one or more incorporated cities, cities and counties, or towns, or including more than one incorporated city, city and county, or town, is proposed to be annexed to any consolidated city and county now existing or which shall hereafter be organized, the consent of each such incorporated city, city and county, or town, shall be obtained by a majority vote of the qualified electors of any such incorporated city, city and county, or town, voting upon a proposal substantially as follows:

"Shall (herein insert name of the city, city and county, or town, to be included in such annexed territory) be included in a district to be hereafter defined by the city and county of (herein insert the name of the city and county initiating the annexation proposal) which district shall within two years from the date of this election vote upon a proposal submitted as one indivisible question, that such district to be then described and set forth shall consolidate with (herein insert name of the city and county initiating the annexation proposal) in a consolidated city and county government, and that such district become subject to taxation, along with the entire territory of the proposed city and county in accordance with the assessable valuation of the property of said district for the following indebtedness of said city and county of (herein insert name of the city and county initiating the annexation proposal) to-wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none')."

Any and all incorporated cities, cities and counties, or towns, to which the foregoing proposal shall have been submitted, and a majority of whose qualified electors voting thereon shall have voted in favor thereof, together with such unincorporated territory as the city and county initiating such annexation proposal may desire to have included, the whole to form an area contiguous to said city and county, shall be created into a district by said city and county, and the proposal substantially in the form above set forth to be used when the territory proposed to be added consists wholly of only one incorporated city, city and county, or town, or wholly of unincorporated territory, shall, within said two years, be submitted to the voters of said entire district as one indivisible question.

Upon consent to any such annexation being given by a majority of the qual-

fied electors voting thereon in any county or counties in which any such territory proposed to be annexed to said city and county is located, and upon the approval of any such annexation proposal by a majority of the qualified electors voting thereon in such city and county proposing such annexation, and also upon the approval of the proposal hereinbefore set forth by a majority of the qualified electors voting thereon in the whole of the district so proposed to be annexed, then, the said indebtedness referred to in said proposal shall be deemed to have been assumed, and upon the date stated in such annexation proposal such district and such city and county shall be and become one consolidated city and county, to be governed by the Charter of the city and county proposing such annexation, and any subsequent amendment thereto.

Whenever any proposal is submitted to the electors of any county, territory, district, city, city and county, or town, as above provided, there shall be published, for at least five successive publications in a newspaper of general circulation printed and published in any such county, territory, district, city, city and county, or town, the last publication to be not less than twenty days prior to any such election, a particular description of any territory or district to be separated, added, or annexed, together with a particular description of any debts to be assumed, as above referred to, unless such particular description is contained in the said proposal so submitted. In addition to said description, such territory shall also be designated in such notice by some appropriate name or other words of identification, by which such territory may be referred to and indicated upon the ballots to be used at any election at which the question of annexation or consolidation of additional territory is submitted as herein provided. If there be no such newspaper so printed and published in any such county, territory, district, city, city and county, or town, then such publication may be made in any newspaper of general circulation printed and published in the nearest county, city, city and county, or town where there may be such a newspaper so printed and published.

If, by the adoption of any Charter, or by annexation, any incorporated municipality becomes a portion of a city and county, its property, debts and liabilities of every description shall be and become the property, debts and liabilities of such city and county.

Every city and county which shall be formed, or the territory of which shall be enlarged as herein provided from territory taken from any county or counties, shall be liable for a just portion of the debts and liabilities and be entitled to a just proportion of the property and assets of such county or counties, existing at the time such territory is so taken.

The provisions of this Constitution applicable to cities, and cities and counties, and also those applicable to counties, so far as not inconsistent or prohibited to cities, or cities and counties, shall be applicable to such consolidated city and county government; and no provision of subdivision 5 or 6 of this section shall be construed as a restriction upon the plenary authority of any city or city and county having a Freeholders' Charter, as provided for in this Constitution, to determine said Charter any and all matters elsewhere in this Constitution authorized and not inconsistent herewith.

The Legislature shall provide for the formation of one or more counties from the portion or portions of a county or counties remaining after the formation of or annexation to a consolidated city and county, or for the transfer of such portion or portions of such original county or counties to adjoining counties. But such transfer to an adjoining county shall only be made after approval by a majority vote of the qualified electors voting thereon in such territory proposed to be so transferred.

The provisions of section two of this article, and also those provisions of section three of this article which refer to the passing of any county line within five miles of the exterior boundary of a city or town in which a county seat of any county proposed to be divided is situated, and to the reducing of the population of any county upon the establishment of a new county and to the minimum population on the forming of a new county, shall not apply to the formation of, nor to the extension of the territory of such consolidated cities and counties, nor to the formation of new counties, nor to the annexation of existing counties, as herein specified.

Any city and county formed under this section shall have the right, if it so desires, to be designated by the official name of the city initiating the consolidation as it existed immediately prior to its adoption of a Charter providing for a consolidated city and county government, except that such city and county shall be known under the style of a city and county.

It shall be competent in any Charter framed for a consolidated city and county, or by amendment thereof, to provide for the establishment of a borough

system of government for the whole or any part of the territory of said city and county, by which one or more districts may be created therein, which districts shall be known as boroughs and which shall exercise such municipal powers as may be granted thereto by such Charter, and for the organization, regulation, government and jurisdiction of such boroughs: Provided, that in the event of such establishment or creation of a borough or boroughs, as hereinabove permitted, the boundaries thereof shall never afterwards be changed or altered, nor shall the governmental rights, powers or jurisdiction of any such borough or boroughs be thereafter limited, extended, modified or taken away, unless and until the borough or boroughs affected by such proposed change or alteration of boundaries, or by the proposed limitation, extension, modification or taking away of governmental rights, powers or jurisdiction, as the case may be, shall each have consented thereto, by the vote of a majority of the voters in each and every such borough, voting at an election or elections called and held for such purpose in each of the boroughs so affected.

No property in any territory hereafter consolidated with or annexed to any city or city and county shall be taxed for the payment of any indebtedness of such city or city and county outstanding at the date of such consolidation or annexation and for the payment of which the property in such territory was not, prior to such consolidation or annexation, subject to such taxation, unless there shall have been submitted to the qualified electors of such territory the proposition regarding the assumption of indebtedness as hereinbefore set forth and the same shall have been approved by a majority of such electors voting thereon.

7. In all cases of annexation of unincorporated territory to an incorporated city, or the consolidation of two or more incorporated cities, assumption of existing bonded indebtedness by such unincorporated territory or by either of the cities so consolidating may be made by a majority vote of the qualified electors voting thereon in the territory or city which shall assume an existing bonded indebtedness. This provision shall apply whether annexation or consolidation is effected under this section or any other section of this Constitution, and the provisions of section eighteen of this article shall not be a prohibition thereof.

The Legislature shall enact such general laws as may be necessary to carry out the provisions of this section and such general or special laws as may be necessary to carry out the provisions of subdivisions 5 and 6 of this section, including any such general or special act as may be necessary to permit a consolidated city and county to submit a new Charter to take effect at the time that any consolidation, by reason of annexation to such consolidated city and county, takes effect, and also, any such general law or special act as may be necessary to provide for any period after such consolidation, by reason of such annexation, takes effect, and prior to the adoption and approval of any such new Charter or charter amendment. (Amended Nov. 3, 1896. Oct. 10, 1911. Nov. 3, 1914. Dec. 5, 1918.)

ARTICLE XX.

Number of Votes Necessary to Constitute a Choice.

Sec. 13. A plurality of the votes given at any election shall constitute a choice where not otherwise directed in this Constitution, provided that it shall be competent in all charters of cities, counties or cities and counties framed under the authority of this Constitution to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote therefor, and provided also, that it shall be competent for the Legislature by general law to provide the manner in which officers of municipalities organized or incorporated under general laws may be elected and to prescribe a higher proportion of the vote therefor. (Amended October 10, 1911.)

ARTICLE XXIII.

Recall of Public Officials.

Section 1. Every elective public officer of the State of California may be removed from office at any time by the electors entitled to vote for a successor of such incumbent, through the procedure and in the manner herein provided for, which procedure shall be known as the recall, and is in addition to any other method of removal provided by law.

Procedure.

The procedure hereunder to effect the removal of an incumbent of an elective public office shall be as follows: A petition signed by electors entitled

to vote for a successor of the incumbent sought to be removed, equal in number to at least twelve per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies (provided that if the officer sought to be removed is a state officer who is elected in any political subdivision of the State, said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies) demanding an election of a successor to the officer named in said petition, shall be addressed to the Secretary of State and filed with the clerk or Registrar of Voters, of the county or city and county in which the petition was circulated; provided, that if the officer sought to be removed was elected in the State at large such petition shall be circulated in not less than five counties of the State, and shall be signed in each of such counties by electors equal in number to not less than one per cent of the entire vote cast, in each of said counties, at said election, as above estimated. Such petition shall contain a general statement of the grounds on which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review.

When such petition is certified as is herein provided to the Secretary of State, he shall forthwith submit the said petition, together with a certificate of its sufficiency, to the Governor, who shall thereupon order and fix a date for holding the election, not less than sixty days nor more than eighty days from the date of such certificate of the Secretary of State.

Notice of Election.

The Governor shall make or cause to be made publication of notice for the holding of such election, and officers charged by law with duties concerning elections shall make all arrangements for such election and the same shall be conducted, returned, and the result thereof declared, in all respects as are other state elections. On the official ballot at such election shall be printed, in not more than two hundred words, the reasons set forth in the petition for demanding his recall. And in not more than three hundred words there shall also be printed, if desired by him, the officer's justification of his course in office. Proceedings for the recall of any officer shall be deemed to be pending from the date of the filing with any county, or city and county clerk, or Registrar of Voters, of any recall petition against such officer; and if such officer shall resign at any time subsequent to the filing thereof, the recall election shall be held notwithstanding such resignation, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law, but the person appointed to fill such vacancy shall hold his office only until the person elected at the said recall election shall qualify.

Any person may be nominated for the office which is to be filled at any recall election by a petition signed by electors, qualified to vote at such recall election, equal in number to at least one per cent of the total number of votes cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Each such nominating petition shall be filed with the Secretary of State not less than twenty-five days before such recall election.

Ballot.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No," said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If

the vote at any such recall election shall recall the officer then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Petition May Be in Sections.

Any recall petition may be presented in sections, but each section shall contain a full and accurate copy of the title and text of the petition. Each signer shall add to his signature his place of residence, giving the street and number, if such exist. His election precinct shall also appear on the paper after his name. The number of signatures appended to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the State shall be competent to solicit such signatures within the county or city and county, of which he is an elector. Each section of the petition shall bear the name of the county, or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same stating his qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such petition so verified shall be *prima facie* evidence that the signatures thereto appended are genuine and that the persons signing the same are qualified electors. Unless and until it is otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of electors. Each section of the petition shall be filed with the clerk, or Registrar of Voters, of the county or city and county in which it was circulated; but all such sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the date of filing such petition, the clerk, or the Registrar of Voters, shall finally determine from the records of registration what number of qualified electors have signed the same; and, if necessary, the Board of Supervisors shall allow such clerk or Registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or Registrar, upon the completion of such examination, shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and submit said petition, except as to the signatures appended thereto, to the Secretary of State and file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or Registrar of Voters to the Secretary of State, a supplemental petition, identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or Registrar of Voters, as aforesaid. The clerk or Registrar of Voters shall within ten days after the filing of such supplemental petition make like examination thereof as of the original petition, and upon the conclusion of such examination shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and shall forthwith transmit such supplemental petition, except as to the signatures thereon, together with his said certificate, to the Secretary of State.

When the Secretary of State shall have received from one or more County Clerks, or Registrars of Voters, a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the County Clerk or Registrar of Voters of every county or city and county in the State a certificate showing such fact; and such Clerk or Registrar of Voters shall thereupon file said certificate for record in his office.

A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by him of a certificate or certificates showing the said petition to be signed by the requisite number of electors of the State.

Officer Must Be in Office at Least 6 Months.

No recall petition shall be circulated or filed against any officer until he has actually held his office for at least six months; save and except it may be filed against any member of the State Legislature at any time after five days from the convening and organizing of the Legislature after his election.

Officer Not Recalled to Be Paid for Expenses.

If at any recall election the incumbent whose removal is sought is not

recalled, he shall be repaid from the State treasury any amount legally expended by him as expenses of such election, and the Legislature shall provide appropriation for such purpose, and no proceedings for another recall election of said incumbent shall be initiated within six months after such election.

If the Governor is sought to be removed under the provisions of this article, the duties herein imposed upon him shall be performed by the Lieutenant Governor; and if the Secretary of State is sought to be removed, the duties herein imposed upon him shall be performed by the State Controller; and the duties herein imposed upon the clerk or Registrar of Voters, shall be performed by such Registrar of Voters in all cases where the office of Registrar of Voters exists.

Recall to Be Exercised by Counties and Cities.

The recall shall also be exercised by electors of each county, city and county, city and town of the State, with reference to the elective officers thereof, under such procedure as shall be provided by law.

Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising such recall powers in such counties, cities and counties, cities and towns, but shall not require any such recall petition to be signed by electors more in number than twenty-five per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Nothing herein contained shall be construed as affecting or limiting the present or future power of cities or counties or cities and counties having charters adopted under the authority given by the Constitution.

In the submission to the electors of any petition proposed under this article all officers shall be guided by the general laws of the State, except as otherwise herein provided.

This article is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting the provisions of this article or the powers herein reserved.

POLITICAL CODE.

Time of Holding Elections.

General Election.

Section 1041. There must be held throughout the State on the first Tuesday after the first Monday in November, in the year eighteen hundred and eighty, and in every second year thereafter, an election to be known as the general election. (In effect April 16, 1880.)

Special Election.

Sec. 1043. Special elections are such as are held to supply vacancies in any office, and are held at such times as may be designated by the proper board or officer.

Municipal Elections.

Sec. 1044. Except in the particulars or cases otherwise provided for in the constitution or laws of the State or by the provisions of a freeholder charter duly adopted or amended pursuant to the Constitution of this State, all municipal elections, where the same are held separate from State elections, and all elections held under the authority of section eight of article eleven of the Constitution, to elect boards of freeholders, or to vote upon proposed charters, or upon amendments to existing charters, and all other special elections including all special elections to vote upon or for or against any proposition or question authorized to be submitted to a vote, shall be conducted under the provisions of section 1044, 1120, 1121, 1133 and 1151 of this code. (Approved March 19, 1907, amended April 12, 1911.)

Proclamations by Governor.

Sec. 1053. At least thirty days before a general election, and whenever he orders a special election to fill a vacancy in the office of State Senator or member of Assembly, at least ten days before such special election, the Governor must issue an election proclamation under his hand and the Great Seal of the State, and transmit copies thereof to the Boards of Supervisors of the counties in which such elections are to be held. (In effect April 16, 1880.)

Contents of Proclamation.

Sec. 1054. Such proclamation must contain:

1. A statement of the time of election and of the offices to be filled.

Reward for Illegal Voting.

2. An offer of rewards, in the following form: "And I do hereby offer a reward of one hundred dollars for the arrest and conviction of any and every person violating any of the provisions of Title IV, Part I, of the Penal Code, such rewards to be paid until the total amount hereafter expended for the purpose reaches the sum of ten thousand dollars."

Publication and Posting by Supervisors.

Sec. 1055. The Board of Supervisors, upon the receipt of such proclamation, may, in case of general or special elections, cause a copy of the same to be published in some newspaper printed in the county, if any, and to be posted at each place of election at least ten days before the election; and, in case of special elections to fill a vacancy in the office of State Senator or member of Assembly, the Board of Supervisors, upon receipt of such proclamation, may, in their discretion, cause a copy of the same to be published or posted as herein-before provided, except that such publication or posting need not be made for a longer period than five days before such election. (In effect April 16, 1880.)

Proclamations by Supervisors.

Sec. 1056. Whenever a special election is ordered by the Board of Supervisors, they must issue an election proclamation, containing the statement provided for in subdivision first of section ten hundred and fifty-four, and must publish and post it in the same manner as proclamations issued by the Governor.

Plurality to Elect.

Sec. 1066. The person receiving at any election a plurality of the votes polled for any office to be filled at such election, is elected thereto; provided, that in any city, county or city and county which, by its charter, prescribes for the election of its officers a higher proportion of votes than a plurality, such higher proportion of votes as may be so prescribed shall be necessary for such election; and provided, further, that in any municipality organized or incorporated under general laws, such higher proportion of votes than a plurality as may be prescribed by general law shall be necessary for the election of the officers of such municipality. (Amended December 18, 1911.)

Proceedings on Tie Vote Other Than Governor or Lieutenant Governor.

Sec. 1067. If at any election, except that for Governor or Lieutenant-Governor, two or more persons receive an equal and the highest number of votes, there is no choice, and a special election to fill such office must be ordered by the proper board or officer.

Tie Vote, Governor and Lieutenant Governor.

Sec. 1068. In case any two or more persons have an equal and highest number of votes for either Governor or Lieutenant-Governor, the Legislature must, by a joint vote of both houses, choose one of the persons to fill such office.

Privileged From Arrest When.

Sec. 1069. Electors are privileged from arrest, except for an indictable offense, during their attendance on the election, and in going to and returning from the same.

Free From Military Duty When.

Sec. 1070. No elector is obliged to perform militia duty on the day of election, except in time of war or public danger.

No Fees Charged for Registration.

Sec. 1071. No fees must be charged for registration, or certificates thereof.

Compensation of Officers of Election.

Sec. 1072. Each member upon a board of election in any county, or city and county, in the State, and each clerk thereof, shall receive as compensation for his services upon such board a sum not to exceed ten dollars, which sum shall be paid out of the treasury of the county, or city and county in which such persons act. (Approved March 20, 1889.)

Unlawful to Assign or Transfer Compensation for Services As Election Officer.

Sec. 1072a. It shall be unlawful for any person serving as an election officer, or who has served as an election officer at an election, or who has been appointed to serve as an election officer at any election, to assign or in any

manner transfer the compensation which he will receive or be entitled to receive, or to have allowed to him for service as an election officer at any precinct, to any person, persons or corporation, until after the full completion of the election at the precinct, or until after the returns of such election from the precinct where he served as an election officer, have been sealed and delivered to the County Clerk or Registrar of Voters, or postmaster or express agent, as provided by section 1264 of the Political Code, and it shall be unlawful for any person, persons or corporation, or their agent or servant, to either directly or indirectly receive any such assignment or transfer, or pay or advance any sum of money whatever, to any such election officer or to any person for the use of such election officer, until said election returns have been sealed and delivered as hereinbefore provided. Any person who shall violate any provision of this section shall be guilty of a misdemeanor. (Approved May 1, 1911.)

Election Stationery Furnished by Whom.

Sec. 1073. The necessary printed blanks for poll lists, tally lists, lists of voters, oath, and returns, together with envelopes in which to inclose returns, must be furnished by the County Clerk to the officers of each election precinct, at the expense of the county. (Amended April 28, 1915.)

Expenditures in Respect to Elections—Emergency Requirements.

Sec. 1079. Whenever the clerk, secretary or any other officer of a county, or city, which at the last general State election before this amendment had a registration of over one hundred and twenty-five thousand voters, or of any city and county, is charged with the performance of any official duty, in respect to elections, which involves the expenditure of public moneys, such expenditures shall be subject to the control and supervision of the Board of Election Commissioners; and when any printing or other service is to be performed, or materials are to be furnished, the amount of which in the aggregate shall exceed the value of five hundred dollars, it shall be the duty of the Board of Election Commissioners to invite proposals for the work, or the furnishing of the materials, and to let the contract for the same to the lowest responsible bidder therefor, in the same manner and upon the same conditions as is required in the letting of contracts for doing other and similar work or furnishing other and similar materials, for such county, city, or city and county purposes; provided, that no such proposal or bid shall be required for the contract to print ballots or the printed index of the precinct registers, or the tally lists, if, in the judgment of the County Clerk or Registrar of Voters, the time within which such ballots or index must be had does not reasonably admit of such proposal and bid, or where an emergency requires the immediate performance of a duty relating to the management or conduct of an election and delay in the performance of such duty might imperil the holding of the election at the time and in the manner provided by law; and provided, further, that in any consolidated city and county having a freeholder charter providing for a system of Civil Service, the Election Commission may make appointments of persons to perform work or service as laborers, mechanics, artisans or machinists in accordance with the provisions of such Civil Service, and provide for proper compensation therefor, whenever service of such nature is found necessary with respect to any election or elections. (Amended April 12, 1911; amended April 28, 1915.)

Qualifications and Disabilities of Electors.

Sec. 1083. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, and who has conformed to the law governing the registration of voters, shall be a qualified elector at any and all elections held within the county, city and county, city, town, or district within which such elector resides. (Amended January 1, 1900; December 27, 1911, and May 27, 1913.)

By the new Constitution (Article 2, Section 1), residence in * * * * * election precinct for thirty days preceding the election is just as essential a condition of the right to vote as is residence in the county for ninety days, and in the State for one year. (83 Cal., 70, 171 Cal., 134.)

Signatures to Referendum, Initiative and Recall Petitions.

Sec. 1083a. Wherever, by the Constitution or laws of this State, any initiative, referendum, recall or nominating petition or paper, or any petition or

paper, is required to be signed by qualified electors, only an elector who is a registered qualified elector at the time he signs such petition or paper shall be entitled to sign the same, and no elector shall be entitled to sign any such petition or paper on or after the first day of January of an even-numbered year unless he shall, on or since said first day of January, have made an affidavit of registration as required by law. Such signer shall at the time of so signing such petition or paper affix thereto the date of such signing. Wherever, by the Constitution or laws of this State, the County Clerk or Registrar of Voters is required to determine from the records of registration what number of qualified electors have signed such petition or paper, he shall determine that fact with respect to the purported signature of any person from the affidavit of registration, and records relating thereto, current and in effect at the date of such signing of such petition or paper. (Approved May 27, 1913. Amended April 28, 1915.)

Examinations of Petitions by Whom Paid.

Sec. 1083b. Whenever the County Clerk or Registrar of Voters is required by law to examine the signatures upon any nomination paper or petition of any candidate for a municipal office, he is hereby empowered to employ the necessary help for said examination to be paid by such municipality a sum not to exceed three dollars per day for each person so employed in such examination. (Approved April 28, 1915.)

Who Are Not Qualified to Vote.

Sec. 1084. No native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money shall ever exercise the privilege of an elector. (In effect April 16, 1880.)

Registration of Voters, When Affidavits Are Cancelled, List Where Lodgers Abide.

Sec. 1094. There shall be, commencing January 1st, 1918, and every two years thereafter, except as hereinafter provided, in each county and city and county of the State, a new and complete registration of the voters of such county or city and county, who are entitled thereto. Such registration shall be in progress at all times except during the thirty days immediately preceding any election, when it shall cease for such election as to electors residing in the territory within which such election is to be held; and transfers of registration for such election may be made from one precinct to another precinct in the same county or city and county at any time when such registration shall be in progress in the precinct to which the elector seeks to transfer; **provided**, that where any general or special municipal election, or any other special election, including any primary election and all special elections to vote for officers, or upon or for or against any proposition or question authorized to be submitted to a vote, is held on or after the first day of January and before the first day of April of any even-numbered year, the original affidavits of registration and indexes used in the last general State election in any county or city and county in this State, together with the original affidavits of registration since the last election, and supplemental indexes, showing all additional registrations, changes and corrections made since the registration for the last general election, completed to and including the thirty-first day prior to said election then being held, may be used at such election to determine the persons entitled to vote thereat. All affidavits of registration made prior to the first day of January of any even numbered year shall be deemed canceled upon said day except for the sole purpose of being used as hereinbefore stated at elections held thereafter and before the first day of April of that year, and shall on said last mentioned day be deemed canceled for all purposes. The board having charge and control of elections in each county or city and county, may provide by resolution, for the registration of voters in their respective precincts, by the officer charged with the registration of voters, and may also provide by resolution for the registration of voters at specified times and places, other than the office of the county clerk or registrar of voters, deemed most convenient to large numbers of voters, without reference to respective or particular precincts, in such a manner that the affidavits of registration as provided by law may be taken at such time and place of any voter within the county who is entitled to register therein; **provided, however**, that in any city and county no registration outside of the main office of the officer charged with the registration of voters shall be had except that which is without reference to particular precincts as last specified herein; and **provided also**, that any registration which may be made at the main office

for registration in any such city and county may be made and taken in any place in said city and county in such manner as may be provided by rules and regulations made by the board having control of registration in any such city and county. Upon the written request of the officer charged with the registration of voters, which request said officer shall make upon petition from any ten electors of the county, such petition to specify the premises from which lists are desired, every landlord or keeper of premises where lodgers abide, shall furnish said officer a list of all lodgers occupying rooms, or sleeping apartments, or beds in the premises under his or her or its control. Such lists shall be furnished upon blanks provided by said officer. Any landlord or keeper of premises where lodgers abide, who neglects or refuses to comply promptly with the provisions of this section or who furnishes a false list of such lodgers, shall be guilty of a misdemeanor. All lists so returned shall be kept on file in the office of the officer receiving same, open to public inspection. It shall be the duty of said officer to compile a list of such persons, if there are any, who are registered as residing in any of these premises and whose names are not returned in the lists furnished by the landlord or keeper thereof. At least three days before the date of the next succeeding election, in any precinct where such premises are located, said officer shall send by registered mail to the inspector of election in said precinct a certified copy of the list he has thus prepared, with instructions to challenge the vote of each and all such persons if offered at the election, under subdivision five of section one thousand two hundred thirty of the Political Code. Whenever in the laws of this State the word "register" or "great register" is used with relation to elections, it shall be deemed to mean and include the relative and proper affidavits of registration, or both thereof, prepared and bound by the county clerk or registrar of voters. (Amended May 1, 1911; January 12, 1912; June 16, 1913; April 28, 1915; May 21, 1917.)

Names of Electors Must Be Entered in Register.

Sec. 1095. In the affidavits of registration the clerk must, as hereinafter provided, enter in duplicate the names of the qualified electors of the county, and the provisions of section one thousand and ninety-six of this code are hereby declared to be mandatory. Any officer charged with the registration of voters who neglects or refuses to make all the entries provided for in section one thousand and ninety-six of the Political Code, or neglects or refuses to take the oath of the voter applying to him for registration in respect to the same, shall, upon conviction, be deemed guilty of a misdemeanor for each and every omission. (Approved March 20, 1903; Amended April 12, 1911.)

Original and Duplicate Affidavits, How Accounted For.

Sec. 1095a. The clerk or other person charged with the registration of voters, must provide blank forms for the affidavits of registration, which forms shall be bound together in books or pads of one hundred sheets each and consist of originals and duplicates. Each original shall be attached to a stub by a perforated line, and each original and duplicate shall bear a distinctive number, which shall be in addition to the registration number of the voter. Said number shall appear on the original and duplicate sheet, and also on the stub to which they are attached, and the numbering shall begin with 1 and continue in a sequence until all of the blanks provided shall be numbered. The numbering shall begin anew with each new registration. The stubs shall contain a line for the name, and spaces for the address and precinct of the person registered. Each deputy clerk, deputy registrar or registration clerk shall receipt to the clerk or registrar for all books or pads issued to him, specifying the numbers of the affidavits received by him, and he shall be charged with the same until he returns and files the same. When an elector is registered, his name, address, and precinct shall be noted on the stub attached to the original, and if for any cause the affidavit is spoiled in the course of making it out, or a mistake therein is made, the same must not be removed from the pad or book, but the name of the elector for whom it was intended, with his address and precinct must be entered on the stub, as in other cases, and the stubs and affidavits each marked with the word "Spoiled" in red ink. When the registration for any election is closed, all deputies or registration clerks must, immediately thereafter, return all affidavits of registration, and all books or pads in their possession containing stubs, spoiled or unused affidavit blanks; and within ten days after the close of such registration the clerk, or registrar of voters must report to the district attorney of the county, or city and county, under oath, the names of his deputies, if any, who have not complied with the provisions of this section; and it shall be the duty of the district attorney to forthwith begin a criminal prosecution against such deputies or registration clerks as shall not have complied

with the provisions of this section. Any deputy, or person having charge of affidavits of registration, who shall wilfully, or by gross carelessness, neglect, fail, or refuse to comply with the provisions of this section, shall be guilty of a misdemeanor. (Approved January 22, 1912.)

What Affidavit of Registration Must Show.

Sec. 1096. The affiant making the affidavit of registration must be at least twenty-one years of age at the time of the next succeeding election; a citizen of the United States ninety days prior to such election; a resident of the State one year, of the county ninety days, and of the precinct thirty days next preceding such election and the affidavit must show such facts. It shall also show:

1. The name at length, including Christian or given name, and middle name, or initial, if any, said Christian or given name, if the name of a woman, to be preceded in all cases by the designation of Miss or Mrs., as the case may be.

2. The place of residence and post-office address with sufficient particularity to identify the same and determine therefrom the voting precinct of such affiant. If the elector be not the proprietor or head of the house, or the wife or husband of such proprietor, then it must show upon what floor thereof, and what room such elector occupies in such house.

3. The occupation of affiant.

4. The height of affiant in feet and inches.

5. The country or State of nativity of affiant.

6. If foreign born, how citizenship was acquired; whether by citizenship of father, by provisions of a treaty or act of congress, by order of a court of naturalization, by marriage to a citizen, by naturalization of a parent or husband, or otherwise. The date or year when, and the place or state where affiant became a citizen, shall be shown, except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of congress. When citizenship depends upon the citizenship or naturalization of parent or husband the name of such parent or husband shall appear.

7. The fact whether or not the elector desiring to be registered is able to read the Constitution in the English language and to write his or her name, and whether or not the elector has any physical disability, by reason of which he or she can not mark the ballot; and if he or she can not mark the ballot by reason of physical disability, then the nature of such disability must be entered. The affiant, if able to write, shall sign such affidavit with his or her customary signature and the county clerk or registrar before whom such affidavit is made shall insert therein the date of such affidavit, which shall be the date of the jurat. The affiant may state in such affidavit the name of any political party or organization with which he intends to affiliate at the ensuing primary election, whether or not such party or organization is a party or organization qualified, at the time of such registration, to participate in such primary election according to the provisions of the direct primary law. (Amended January 2, 1900; April 12, 1911; January 9, 1912; June 4, 1913; April 28, 1915; April 29, 1917.)

Sec. 1096a. At the time of registering and of transferring registration, in all places where the primary election law is in force, each elector shall declare the name of the political party with which he intends to affiliate at the ensuing primary election or elections, and the name of such political party shall be stated in the affidavit of registration and the index thereto. If the elector declines to state the fact, the fact of such declination shall likewise be stated and no person shall be entitled to vote the ticket of any political party at any primary election, by virtue of such registration, unless he has stated the name of the political party with which he intends to affiliate at the time of such registration. Nor shall he be permitted to vote on behalf of any party or for delegates to the convention of any party other than the party so designated in the registration.

In case any elector shall have declined to designate or shall have changed his political affiliation prior to the close of registration for primary elections he is entitled to have such change recorded prior to the close of said registration upon application to the county clerk or registrar of voters as hereinafter provided. In case any elector shall have declined to designate or shall have changed his political affiliations prior to the close of registration, he may appear in person before the county clerk or registrar of voters, or any registration deputy of said county clerk or registrar of voters, and make affidavit substantially in the following form:

State of California, { ss.
County of.....

....., being duly sworn, deposes and says that he is registered on the great register of the said county of.....

as a..... (insert former party affiliation, or that he had declined to designate his party affiliation); that since the date of such registration he has changed his political views and in good faith declares his affiliation with..... party.

Subscribed and sworn to before me, this..... day of....., 19.....

The county clerk or registrar of voters shall take such affidavit without charge and shall file the same.

Registration Absentee Elector, How May Register.

Sec. 1097. Subdivision I. No person shall be registered as an elector except by affidavit of registration. Such affidavit must be made before the county clerk or officer charged with the registration of voters, or their deputy or registration clerk and shall set forth all the facts required to be shown in sections one thousand ninety-six and one thousand ninety-seven of the Political Code. If an elector is absent from the county in which he or she claims residence, he or she may appear before any judge or clerk of any court of record, or notary public, or if in a foreign country, before any minister, consul, or vice consul of the United States, and may make and subscribe an affidavit as to his or her residence, specifying in what ward or precinct he or she claims residence; that he or she will be necessarily and unavoidably absent from said county, or city and county, on all the days allowed by law for general registration of electors, and setting forth in such affidavit each and all the matters required by sections one thousand ninety-six and one thousand ninety-seven of the Political Code of the State of California, and forward such affidavit, in duplicate, duly authenticated as above, by mail, enclosed in an envelope addressed to the county clerk of any county, or the registrar of voters in any county or city and county in which he or she claims to be an elector. Upon receipt of such affidavit by such clerk or registrar of voters within the time allowed by law for registration, the said affidavit shall be entered and bound by the clerk in the proper register in such precinct.

Foreign Born.

Sub. 2. No foreign born person shall be registered unless:

a. If a naturalized citizen upon the production of his or her certificate of naturalization or upon the production of a certificate of registration in the county of his or her last residence in the state, showing the date and place of naturalization, or upon his or her affidavit stating date and place of naturalization; **provided**, that any person registering for the first time in the state must produce his or her certificate of naturalization.

b. If a citizen by virtue of his or her father being a citizen at the time of his or her birth, upon his or her sworn statement that his or her father was a citizen of the United States at the time of his or her birth and has been a resident thereof. Such statement need not be noted in full upon the affidavit of registration, but the words "I acquired citizenship by the citizenship of my father (naming him)" shall be sufficient.

c. If a citizen by virtue of the naturalization of his or her parent, upon his or her affidavit that he or she became a citizen by such naturalization of his or her parent, naming such parent, that such naturalization took place during his or her minority and that he or she began to reside permanently in the United States while such minor child. Such statement need not be noted in full upon the affidavit, but the words "I acquired citizenship by my father's, or mother's, naturalization" as the case may be, naming him or her, shall be sufficient.

d. If a citizen by virtue of marriage to a citizen, the date and place of such marriage shall be entered upon the affidavit of registration together with the name of the husband.

e. If a citizen by virtue of the naturalization of her husband the date or year and place of such naturalization together with the name of the husband shall be entered.

Sub. 3. In every case the affidavit of the party must show all the facts required to be stated. The clerk or registrar of voters may cause to be written or printed upon the margin of the affidavit, in addition to any matter herein-after provided for, all such words as are deemed necessary or convenient for the purpose of designating the precinct, district or political subdivision for which such affidavit is taken, or deemed necessary or convenient to indicate any

removal or transfer of registration, and also any date or memorandum deemed necessary or convenient to indicate the number of the ballot voted by an elector as provided by section one thousand two hundred four of the Political Code, or any other reasonable memoranda deemed necessary or convenient for the purpose of enabling such clerk or registrar of voters to perform his duties in the assorting or classification or handling of such affidavits with correctness and dispatch. Wherever in the following form of affidavit the word "county" is inserted, if the affidavit is for use in a city and county, such last mentioned words may be printed or written in lieu of said word "county." In connection with the place of residence the affidavit may have printed either the word "precinct" or the word "street" or the word "avenue," or any or all of such words as the clerk or registrar of voters shall deem most convenient in practical use for the territory in which such affidavits are to be used. In designating the residence of the voter or the post-office address it shall not be necessary in either case to repeat the county or city and county or state where the name of said county or city and county or state previously appear. In connection with the statement regarding the citizenship of affiant, the affidavit may have printed in brackets statements of the various methods of acquiring citizenship, and it shall be sufficient to underline, or otherwise mark, with pen and ink, or indelible pencil, that statement applicable to the particular affiant. The words printed in the body of the affidavit, which by reason of statement of the voter are not applicable to such registration, shall not be deemed a portion of such affidavit of registration. The lines to indicate the separation between the margin of the affidavit of registration and the said margin shall be at the top and on the right side of such affidavit, and may be double or single lines in the discretion of the clerk or registrar of voters of the county or city and county or territory for which the affidavit is to be used. The affidavit shall be printed in horizontal lines. Wherever any blank space is left in any line for the entry of any matter the lines shall not be less than one-third of an inch apart vertically. Commencing with the first statement of the affidavit proper each statement shall be numbered immediately at the left of such statement in a numerical sequence, the first statement commencing with number one, and so on to the end, but the jurat and space for the signature of the voter need not be numbered. The horizontal width of the affidavit, separate from any and all margin, shall not be less than seven inches, and the margin upon all sides and at top and bottom shall be of such width as may be determined by the clerk or the registrar of voters. The words "affidavit of registration" shall be not less than twenty-four-point black-face type. Pen and ink or indelible pencil must be used in making the portions of the affidavit which are not printed. The matter in the body of the affidavit, where the size of type is not otherwise specified, shall be not less than ten-point plain-face type, save that words inserted in parentheses, which are for the information or instruction of the deputies or registration clerks, may be in smaller type at the discretion of the county clerk or registrar of voters. Subject to the foregoing provisions the body of said affidavit shall be substantially in the following form:

STATEMENT OF TRANSFER OR CHANGE OF NAME.

I am registered under the name of _____
 _____, from the following precinct or address _____
 _____, in this county: _____
 for the _____ county, and I hereby
 authorize the cancellation of my last previous registration in said
 _____ county.

NAME OR NUMBER OF PRECINCT.

State of California
County of () ss.

AFFIDAVIT OF REGISTRATION.

The undersigned affiant, being duly sworn, says: I will be at least twenty-one years of age at the time of the next succeeding election, a citizen of the United States ninety days prior thereto, and a resident of the state one year, of the county ninety days, and of the precinct thirty days next preceding such election, and will be an elector of this county at the next succeeding election.

1. I have not (have not) registered from any other precinct in the state since January 1, 1916.*
 (Mark out words "have not" or "has" as the case may be, and if applicant has no previous registration, put the appropriate blanks at the top of the affidavit, under "Statement of transfer or change of name".)

2. My full name is _____
 (including Christian or given name, and middle name or initial, and in the case of women, the prefix Miss or Mrs.)

3. My residence is _____

between _____ and _____ streets _____ floor, room _____

Post-office address at _____

4. My occupation is _____

5. My height is _____ feet _____ inches

6. I was born in _____ (State or country.)

7. I acquired citizenship by
 (Underline method of acquiring citizenship) a. Decree of court. d. Marriage to a citizen.
 b. Father's naturalization. e. Naturalization of my husband.
 c. Citizenship of father. f. Act of congress. g. By treaty.

(when) _____ (where) _____

My father's name is (was) _____
 (To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

8. I can _____ read the constitution in the English language; I can _____ write my name; I am entitled to vote by reason of having been on November 6, 1894:

a. An elector.
 b. More than sixty years of age.

I can _____ mark my ballot by reason of _____ (State physical disability, if any.)

9. I intend to affiliate at the ensuing primary election with the _____ Party.
 (If affiliation is not given, write or stamp "Declines to State.")

Subscribed and sworn to before me this

_____ day of _____, 1916 }
 _____ (Affiant signs here.)

County clerk (or registrar of voters).
 *Or the year when registration commenced.

Change of Name.

Sub. 4. Whenever any elector, between the time of her last registration and the time for the closing of registration for any given election in the same county or city and county, shall have lawfully changed her surname by a change or assumption of marital relation she shall be entitled to register under her new or changed name, upon an additional statement made at the time of such reregistration, giving the name under which she was so last registered in said county or city and county, and the residence given and contained in said last affidavit of registration, which additional statement shall be printed or written upon the margin of such affidavit of reregistration before the said affidavit is signed, and shall be deemed a part thereof. Upon such registration the last previous registration of such elector shall be canceled. And in case any elector shall reregister or transfer his or her registration from one precinct to another the former address or precinct shall be noted in the margin of such affidavit, and the former registration shall thereupon be canceled.

Sub. 5. No person shall be registered except as above provided, unless upon the production and filing of a certified copy of the judgment of the superior court directing such entry to be made. (Amended January 1, 1900; March 19, 1909; May 1, 1911; January 9, 1912; June 14, 1913; April 28, 1915; May 29, 1917.)

Clerk Must Preserve Affidavits for 5 Years.

Sec. 1103. The person charged with the registration of voters in each county or city and county must preserve all affidavits made before himself or his deputies for the purpose of procuring registration for at least five years and

until the Board of Supervisors shall order them to be destroyed. The affidavits shall constitute the register required to be kept by the provisions of this chapter and the person charged with the registration of voters shall not copy the facts shown by the affidavits as part of his official duties. All provisions of law in conflict herewith are hereby repealed. (Approved March 20, 1903. Amended April 19, 1909.)

When Persons Must Not Register.

Sec. 1104. No person must cause himself to be registered or enrolled in one county when his registration in another remains uncancelled; provided, however, that any such person who is registered in one county may, if otherwise legally qualified, cause himself to be registered in another county in which he may then reside, at any time before the closing of registration for any election, by executing an affidavit of cancellation and delivering the same to the officer taking such new registration. It shall be the duty of the County Clerk to at once forward such affidavit of cancellation to the County Clerk of the county in which such old registration is still uncancelled, and upon receipt of such affidavit such former registration must be forthwith canceled. (Amended May 26, 1915.)

Cancellation of Entry.

Sec. 1105. Cancellation is made by writing or stamping on the affidavit of registration the word "cancelled," the reason therefor, and the date of such cancellation. In addition to the cancellation provided for in Section 1106 and elsewhere in this Code, whenever an elector transfers his registration from one precinct to another precinct in the same county, or re-registers in such other precinct as shown by the new affidavit of registration, the County Clerk must immediately cancel both the original and the duplicate affidavit of registration from the former precinct, and remove them from their respective books or files provided for in Section 1113 of this Code; and whenever an elector removes from one county to another county and registers in such other county, the County Clerk in the former county of registration, upon being informed of such removal, either by the elector personally or through the provisions of Section 1104 of this Code, must likewise cancel and remove both the original and the duplicate affidavits of registration in such county. All cancelled affidavits of registration must be preserved by the County Clerk until the first day of April of the next even-numbered year. The County Clerk in distributing to each precinct the five indexes of registration, as required in Section 1116 of this Code, shall cross out of such indexes the names of all electors whose affidavits of registration from such precinct have been thus cancelled. (Amended January 1, 1900; April 12, 1911; May 27, 1915.)

When Entry May Be Cancelled.

Sec. 1106. The clerk must cancel the entry in the following cases:

By Request.

1. At the request of the party registered.

Death.

2. When he knows of the death or removal of the person registered.

Insanity.

3. When the insanity of the person registered is legally established.

Convicted of Infamous Crime.

4. Upon the production of a certified copy of a judgment of the conviction of any elector of any infamous crime, or of the embezzlement or misappropriation of any public money, in full force against the person registered, upon information of such conviction, obtained as hereinafter provided.

Judgment Directing Cancellation.

5. Upon the production of a certified copy of a judgment directing the cancellation to be made.

Certificate of Board of Election.

6. Upon a certificate of the Board of Election of any precinct, sent up with the election returns, stating the death or removal, within their own knowledge, of the person registered.

By Failing to Vote.

7. When it appears by the returns made by the Board and Clerks of Election that the respective party did not vote during the next preceding two years at any general or special election.

Register of Deaths.

8. The Clerk shall cancel upon the Great Register every name found thereon which is found upon the Register of Deaths, provided for by law.

For Whom Guardian Is Appointed.

9. Every Judge before whom proceedings were had, which result in any person being declared incapable of taking care of himself and managing his property, and for whom a guardian of his person and estate is accordingly appointed, or which result in such person being committed to a State insane asylum as an insane person, shall file with the County Clerk, a certificate of that fact, and thereupon the Clerk shall cancel the name of such person upon the Great Register if found thereon.

County Clerk to Furnish List of Cases.

10. The County Clerk shall also, in the first week of September in each year, examine the records of the courts having jurisdiction in cases of infamous crimes and the embezzlement or misappropriation of public money within his county, and cancel upon the Great Register the names of all persons appearing thereon who shall have been convicted of an infamous crime, or of the embezzlement or misappropriation of public money in such court, and which conviction shall have been carried into effect. (In effect April 16, 1880. Amended January 22, 1912.)

Persons Convicted of Infamous Crimes.

Sec. 1106a. In any county or city and county where there shall be a Registrar of Voters, the County Clerk of such county or city and county shall furnish to such Registrar of Voters before the first day of September of each year, a statement taken from the records of the courts having jurisdiction in cases of infamous crimes and the embezzlement or misappropriation of public moneys within his county, showing the names of all persons appearing from such records to have been convicted of an infamous crime, or of the embezzlement or misappropriation of public money, in such court during the year prior to such first day of September, and which conviction shall have been carried into effect, and such Registrar of Voters shall thereupon during the first week of September in each year, cancel the affidavits of registration of such persons. The County Clerk shall certify the said statement under the seal of his office. (Approved May 1, 1911.)

Clerk Must Give Certificates of Registration.

Sec. 1107. Upon the application of the party, in person or in writing, the clerk must give him or his agent a certified copy of the entries upon the Great Register relating to such party.

Persons Refused Registration May Proceed by Action.

Sec. 1108. If the clerk refuses to register any qualified elector in the county, such elector may proceed by action in the Superior Court to compel such registration. (Amended April 12, 1911.)

Illegal Registration.

Sec. 1109. Any person may proceed by action in the Superior Court to compel the clerk to cancel any registration made illegally, or that ought to be cancelled by reason of facts that have occurred subsequent to the time of such registration; but if the person whose name is sought to be cancelled be not a party to the action, the court may order him to be made a party defendant. (Amended April 12, 1911.)

Parties to Action.

Sec. 1110. In an action under the authority of section eleven hundred and eight, as many persons may join as plaintiffs as have causes of action.

Who May Be Joined As Defendants.

Sec. 1111. In the action under the authority of section eleven hundred and nine, the Clerk and as many persons as there are causes of action against may be joined as defendants.

Costs Not to Be Recovered Against Clerk Except in Certain Cases.

Sec. 1112. Costs cannot be recovered against the Clerk in any action under the authority of this chapter, unless it is alleged in the complaint, and established on the trial, that the Clerk knowingly and willfully violated a plain duty.

Affidavit of Registration to Be Bound and Arranged by Precincts Alphabetically.

Sec. 1113. Within five days after the last day of registration for any election the Clerk shall arrange the affidavits of registration for each precinct in which such election is to be held, alphabetically by surnames, number them, beginning with number 1 in each precinct, and bind the same into books by fastening the left-hand edges together with a staple, cord or other suitable material. Each book shall have stated on the outside thereof the name or number of a precinct and shall contain all, and only, the affidavits of registration of the electors residing within that precinct. The duplicate affidavits for the whole of each county shall, as fast as the registration progresses, be filed alphabetically without regard to precinct. In the case of duplicate affidavits this alphabetical arrangement shall be exact; and in the case of affidavits having the same surname such arrangement shall extend to the given or Christian name, and, where necessary, to the middle name or initial. (In effect January 1, 1900; amended April 12, 1911; April 28, 1915.)

Index to Register and What It Shall Contain.

Sec. 1115. Within five days after the binding of said books by precincts the clerk shall prepare an index of each book, said index to contain the numbers, names, occupations and addresses, as they appear in said books. Such names shall include Christian or given names, the middle name or initial, if any; and, if the name be that of a woman, the Christian name shall be preceded by the designation of "Miss" or "Mrs." as the case may be. The clerk shall have at least forty copies of said index printed for the use of said county, and he shall have printed and shall furnish to the municipalities within said county, such additional number of copies thereof, not exceeding twenty, as the governing body of such municipalities shall by resolution require. The county clerk shall furnish upon written or oral demand of every candidate, who is to be voted for in said county, city, city and county or any political subdivision of said county, city, or city and county, or upon written demand of his campaign committee, one copy of a printed index of the registration, for such primary and general elections in which said candidate will participate, at a cost of fifty cents per thousand names. All such moneys collected shall be deposited in the county treasury to the credit of the general fund. The number of copies of said index necessary to be printed shall apply only to the index prepared for use at general elections. In counties where indexes are prepared for primary elections, a smaller number of such indexes may be printed. The clerk shall have bound together in one or more volumes, a general index of said books arranged alphabetically by precincts, and shall keep at least one copy of said general index in his office for public reference. He shall also transmit one copy of said general index to the state librarian at Sacramento. (Amended April 29, 1909; April 12, 1911; January 12, 1912; June 14, 1913; April 28, 1915; May 14, 1917; May 21, 1919.)

What Shall Constitute the Register on the Day of Election.

Sec. 1116. The clerk must, before the day of election, transmit and cause to be delivered to the Board of Election in each precinct, one of such books of affidavits of registration for their respective precinct, which shall constitute the register to be used at such election; he shall also cause to be delivered at the same time five copies of the index to said book. (In effect January 1, 1900.)

Certified Copy Prima Facie Evidence.

Sec. 1117. A certified copy of an uncanceled affidavit of registration is prima facie evidence that the person named in the entry is an elector of the county. (In effect July 6, 1874. Amended April 12, 1911.)

Who Are Entitled to Vote at Municipal Elections.

Sec. 1120. All persons shall be entitled to vote at the elections mentioned in Section 1044 of this Code, who come within the terms or comply with the requirements of this section.

1. Every person who was a qualified elector at the general state election immediately preceding the holding of any of the elections mentioned in Section

1044 of this Code, and who was registered as required by law as a qualified elector of any one of the precincts which together compose the special election or consolidated election precincts, and who continues to reside within the exterior boundaries of such special election or consolidated election precinct, until the time of holding of the election provided for and held under said Section 1044, shall be entitled to vote at said election, without other or additional registration except as provided in the second paragraph of this section. All other persons, in order to be entitled to vote at any of the elections provided for in said Section 1044, must be registered in the manner required by Sections 1094, 1096 and 1097 of this Code, as an elector of and within one of the precincts which compose the special election or consolidated precinct wherein he claims to be entitled to vote. Such registration must be made and had in accordance with the provisions of Sections 1094, 1096 and 1097 of the Political Code; provided, that such registration shall be in progress at all times except during the thirty days immediately preceding any such municipal or special election held under said Section 1044 of this Code.

Who Are Qualified Voters on or After April 1.

2. When any of the elections mentioned in Section 1044 of this Code is held on or after the first day of April of an even-numbered year, any person to be entitled to vote at such election must have been registered since the opening of registration for such even-numbered year in the manner required by Sections 1094, 1096 and 1097 of this Code as an elector of and within one of the precincts which compose the special election or consolidated precinct wherein he claims to be entitled to vote. (Amended March 19, 1907; May 1, 1911; June 16, 1913; May 27, 1915.)

What Register Should Be Used.

Sec. 1121. The register used at each special election or consolidated election precinct, at the elections provided for in Section 1044 of this Code, provided such elections are not held on or after the first day in April in any even-numbered year, shall consist of the original affidavits of registration for the territory constituting such special election or consolidated election precinct, at the last general State election immediately preceding the holding of the election provided for in said Section 1044, together with a supplement or supplements showing the additional names of the persons who by registration have since such general State election become entitled to vote at any of the elections to be held in such precinct, under said Section 1044 of this Code. In the event that precinct registers were used at the last preceding general State election, then it shall be the duty of the County Clerk or person clothed with the authority for the registration of voters, to furnish such original affidavits of registration with the supplements aforesaid, for each of the special election or consolidated precincts, to the Boards of Election, respectively, in and for each such election precinct. No person shall be entitled to vote at any such election provided for in said Section 1044 of this Code, unless his name is registered by such original affidavit of registration, in the precinct within the exterior boundaries of the election precinct, or unless, according to the Constitution and laws of this State, he is entitled to vote thereat. If any election provided for in Section 1044 of this Code is held on or after the first day in April in any even-numbered year, the register used at each special or consolidated election precinct at such election shall consist of the original affidavits of registration of those who had registered from the territory constituting such special or consolidated election precinct in said even-numbered year and at least thirty-one days prior to such election. (Amended March 19, 1907; June 16, 1913; May 27, 1915.)

Election Precincts.

Sec. 1125. In all counties, and city and counties, (except in counties, and city and counties, which at the last general election prior to the time this act goes into effect had a registration of at least two hundred thousand electors, or which has a Registrar of Voters provided for by Freeholders' Charter or by general law, but no Board of Election Commissioners, other than the Board of Supervisors acting as such ex-officio), the County Surveyor shall upon written request and under the direction of the County Clerk, or in counties, and city and counties having a Registrar of Voters, from the Registrar of Voters, divide the county into election precincts and prepare detail precinct maps and exterior descriptions and copies thereof, and file the same with the Board of Supervisors not later than the first Monday in November of each odd-numbered year; provided, however, that the county shall be so divided into election precincts that there shall be as many as shall be sufficient to make the number of votes polled

at any one election precinct not more than two hundred, as near as can be ascertained, and it shall be the duty of said Board to adopt an order creating election precincts as prepared and described by said County Surveyor and County Clerk, not later than the second Monday in December of each said odd-numbered year; the County Surveyor shall within fifteen days after receipt of said written request from the County Clerk, or Registrar of Voters, change or alter any precinct boundaries, and prepare new detail maps and descriptions thereof, as directed by the County Clerk, or Registrar of Voters, and file the same with the Board of Supervisors, who shall at their next meeting adopt said precinct changes by order.

In all counties, or city and counties of this State, which at the last general election prior to the time this act goes into effect had a registration of at least two hundred thousand electors, or which has a Registrar of Voters provided for by Freeholders' Charter or by general law, but no Board of Election Commissioners, other than the Board of Supervisors acting as such ex-officio, the Board of Supervisors, or other Board having charge and control of elections in such county, or city and county, or, at its request, the County Clerk or Registrar of Voters, shall, as soon before a general election as is convenient, proceed to divide such county, or city and county, into election precincts, of which there shall be as many as shall be sufficient to make the number of votes polled at any one election precinct to be not more than two hundred, as nearly as can be ascertained.

Any provisions found elsewhere in this Code giving to the Board of Supervisors the power to establish, abolish, and change election precincts shall be subject to, and controlled by, the provisions of this section. (Approved May 26, 1915.)

Sec. 1126. In all counties, and city and counties, (except in counties, and city and counties, which at the last general election prior to the time this act goes into effect had a registration of at least two hundred thousand electors, or which has a Registrar of Voters provided for by Freeholders' Charter or by general law, but no Board of Election Commissioners, other than the Board of Supervisors acting as such ex-officio), the Board of Supervisors or Election Commissioners in each of the counties, and city and counties of this State, shall, within thirty days from the receipt of a written notice from the County Clerk, or, in counties or city and counties having a Registrar of Voters, from the Registrar of Voters, change the boundaries of, create new, or consolidate established precincts as per detailed descriptions as furnished by the County Clerk, or Registrar of Voters, and County Surveyor; provided, that there shall always be as many precincts as shall be sufficient to make the number of votes polled in any one precinct not more than two hundred, as nearly as can be ascertained.

In all counties and city and counties, which at the last general election prior to the time this act goes into effect had a registration of at least two hundred thousand electors, or which has a Registrar of Voters provided for by Freeholders' Charter or by general law, but no Board of Election Commissioners, other than the Board of Supervisors acting as such ex-officio, the Board of Supervisors, or other Board having charge and control of elections in such county, or city and county, of this State, or, at its request, the County Clerk or Registrar of Voters, may from time to time change the boundaries of, create new, or consolidate established precincts; provided, that there shall always be as many precincts as shall be sufficient to make the number of votes polled at any one precinct to be not more than two hundred, as nearly as can be ascertained.

Any provisions found elsewhere in this Code giving to the Board of Supervisors the power to establish, abolish, and change election precincts shall be subject to, and controlled by, the provisions of this section. (Approved May 26, 1915.)

Order Establishing Precincts, Boundaries Must Be Defined.

Sec. 1128. In the order establishing precincts, the boundaries thereof must be defined.

Limitation of Powers in Establishing Precincts.

Sec. 1130. The following limitations are imposed upon the powers given in this Chapter:

1. No precinct must be established so as to embrace more than one township, nor in such manner that its exterior limits cross the exterior boundaries of any township, incorporated town or city, or any ward, district, or other territorial subdivision for which local officers are to be elected, except a school or road district; provided, however, that if at any election, including any primary

election, or special election, any precinct contains an insufficient number of qualified electors to make up a precinct election board, such precinct may be consolidated with an adjoining election precinct. (Amended April 28, 1915.)

Notice of Election—Polling Places.

Sec. 1131. The County Clerk or Registrar of Voters in each county or city and county shall at least twenty-five days prior to any election, or primary election, file in his office a notice of the date of such election and the offices to be filled naming and numbering them in numerical order, unexpired terms or short terms being designated next after the full terms or long terms. He shall also designate in such notice the election officers who have been appointed for each precinct and the polling place therein where the voting for such election shall be had, but in no event shall such polling place be a saloon or other place where intoxicating liquor is sold or dispensed, nor shall such polling place be connected by a door, window or other opening with a saloon or other room or place where such liquor is sold or dispensed. He shall immediately thereafter cause one copy of such notice to be posted in a prominent place in his office. The duties imposed by this section and by Sections 1142, 1142a, and 1151 of this Code upon the County Clerk or Registrar of Voters shall in all municipal elections and in all elections in which only the electors of one municipality or a portion thereof vote be performed by the City Clerk, Registrar of Voters or similar officer of such municipality. (Amended March 20, 1899; May 26, 1915; May 7, 1919.)

When Justice of the Peace, Etc.

Sec. 1132. If the election officers for any precinct in any county or city and county, or the polling place therein have not been designated by the tenth day prior to any election the county clerk or registrar of voters in such county or city and county shall immediately make an order in writing designating the election officers for that precinct or the polling place therein, as the case may require, and notify such officers of their appointment. He shall cause copies of his order to be posted in three public places in the precinct and send one copy thereof to the inspector appointed for that precinct who shall cause the same to be posted at or near such polling place. If the said county clerk or registrar of voters fails to perform the duty herein imposed upon him, the inspector, if one shall have been appointed, shall perform such duty. If any of the members appointed on an election board do not attend at the opening of the polls on the morning of an election, those qualified electors present, including members of the board, shall appoint a qualified elector to fill the vacancy, and if none of the members appointed appear at such time the qualified electors of the precinct present at that time may appoint a board. If for any valid reason the polling place designated for any precinct can not be used, the board of election acting for that precinct on the day of the election shall designate another polling place as near thereto as possible, post notice of the change on or near the place first designated and conduct the election at the place last designated. (Amended February 28, 1903; March 26, 1915; May 6, 1919.)

When Board May Consolidate Precincts.

Sec. 1133. The board or governing body charged with the conduct of carrying on any of the elections mentioned in section 1044 of this Code may precinct, or subdivide, the municipality or territory within which such election is to be held, into special election or consolidated election precincts, for the holding of such elections, and change and alter such precincts for such elections, as often as occasion may require. In establishing such election precincts referred to in this section, such board or governing body having control of such elections may consolidate the precincts to a number not exceeding six for each special election or consolidated election precinct, and shall number such precincts so established, consecutively, and each precinct so established shall for the purpose of such election be known by the number so designated. (Amended March 19, 1907; April 28, 1915; May 27, 1919.)

Boards of Election, How Appointed.

Sec. 1142. (a) At each general election, and at each election where other provisions are not made by law or charter, the election officers appointed for each precinct shall constitute a board of election for such precinct. Such board shall consist of one inspector, two judges and three clerks; **provided**, that in any precinct in which the total registration does not exceed one hundred electors or at any special election for selection of a board of freeholders or at which propositions, not exceeding four in number, are presented to the electors (including

proposals for issuance of bonds for annexation of territory, and adoption or amendment of a charter), or any special election where other provision as to election officers is not made by law, the board shall consist of one inspector, one judge and two clerks. Each of such officers shall be a registered qualified elector of the precinct for which he is appointed and in which he acts and shall serve only in such precinct; **provided**, that in the case of consolidated election precincts the election officers appointed therefor and who act therein shall be registered qualified electors of one of the precincts of which such consolidated precinct is composed.

(b) The board of supervisors, or other board having charge or control of elections in each of the counties, and cities and counties, must, at least thirty days prior to an election, issue its order appointing the members of the several boards of election unless otherwise provided herein or by law.

(c) If the election officers for any precinct, or the polling place therein, have not been designated by the fifteenth day prior to any election, the county clerk or registrar of voters shall immediately appoint the election officers for that precinct, or designate the polling place therein, as the case may require.

(d) Any person who, having been regularly appointed as an election officer, shall without lawful excuse fail to act as such, shall be guilty of a misdemeanor punishable by a fine not to exceed one hundred dollars or by imprisonment in the county jail not to exceed thirty days or by both such fine and imprisonment. Any person serving as an election officer at any election, shall, on the day of such election, be entitled to absent himself from any service or employment in which he, or she, is then engaged or employed; and such voter shall not, because of so absenting himself, or herself, be liable to any penalty, nor shall any deduction be made on account of such absence, from his or her usual salary or wages, nor shall such person be suspended or discharged from any service or employment because of so absenting himself or herself. In appointing election officers preference shall so far as possible be given to any person, otherwise qualified, who has passed a civil service examination involving a test for a clerical position, or who has previously rendered satisfactory service as an election officer if otherwise qualified. Any person may file an application for the position of an election officer on blanks prepared by the officer in charge of registration, which shall be substantially as follows:

APPLICATION TO SERVE AS ELECTION OFFICER.

State of California, { ss.
County of.....

My name in full is.....

My actual residence is.....

My age is.....; my occupation is.....

I am employed at.....

(Give place of employment.)

I am not, and have not been, within the last ninety days, employed in any capacity, other than that of election officer or as a clerk engaged in the registration of voters, by the county, city and county, or incorporated city or town in which I now reside.

I have.....acted as an election officer at an election.....

(If applicant has previously acted as an election officer state the time and place when so acting and the nature of the office held, otherwise insert the word "not" after the word "have.")

I have.....passed a civil service examination.

(If applicant has previously passed such examination state the time and place thereof and the position for which it was held, otherwise insert the word "not" after the word "have.")

My experience in clerical work has been as follows: (State briefly).....

For further information, I would refer to the following:

(Names and addresses of two or three well-known citizens of the community, who are acquainted with the qualifications of applicant; to be filled out if applicant is not, through previous service or otherwise, already known to the appointing board.)

I am now registered as an elector in this county (or city and county).

I can read and write the English language and all of the matter written in the foregoing answers is in my own handwriting.

Signature of applicant.

In a city and county, the registrar of voters may require such applications to be sworn to and such registrar or his deputy shall take such oath without charge.

(e) No person shall be eligible to act as an officer of election who is not actually a resident of the precinct in which he, or she, acts and a registered and qualified elector thereof, or who has, within ninety days preceding such election, been employed in any capacity, other than that of an election officer, or as a clerk engaged in the registering of electors, by the county, city and county, or incorporated city and town in which he resides.

(f) Upon filing a list of the names and addresses of those who have been appointed election officers the county clerk or registrar of voters shall immediately mail or deliver to each person appointed a notice that he, or she, has been appointed, stating therein the position to which he or she has been assigned, and the penalty for failure to serve, also such other matter as the county clerk or registrar of voters may determine. He shall also publish the names of the election officers appointed (and polling places designated) for each election precinct in some daily newspaper published in the county or city and county where the election is to be held, for three successive issues, the last publication to be at least one week before the day such election is to be held. He shall also mail or deliver to each person appointed as inspector for any precinct immediately after such appointment a notice of the persons appointed to serve as election officers in that precinct. Said notice shall be substantially in the following form:
Office of the county clerk (or registrar of voters)

Counties of

NOTICE TO ELECTION OFFICERS

To....., inspector for.....precinct.
- The polling place for the.....precinct at the election to be held
on.....the.....day of.....
is.....
and the board of election for said precinct is composed of the following persons:
Position. Name. Address.

You, as inspector, must, before the polls are opened, see that each of these persons have taken the oath required by law and that no person is permitted to act as election officer unless he or she has taken such oath and actually resides in the precinct and is registered as an elector thereof and is not and has not been employed in any capacity, other than that of election officer, or as clerk engaged in the registering of electors, within ninety days of the election, by the county or city and county or by the incorporated city and town in which he, or she, resides. If any of these persons is not qualified to act or in case any of them do not appear at the opening of the polls, the qualified electors present, including members of the board, shall appoint in his or her place one who is qualified who shall take the required oath of office which will be found set forth in the poll list.

County clerk (or other official.)

Accompanying said notice shall be an oath of office in blank which shall be immediately sworn to by the inspector free of charge before any officer authorized to administer oaths, and before performing any of the duties required of

him, and which oath shall be returned to the county clerk or registrar of voters within twenty-four hours after receipt thereof. Said oath shall be substantially in the following form:

State of California, { ss.
County of.....

I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States and the constitution of the State of California, and that I will faithfully discharge the duties of the office of inspector on the board of election for.....precinct according to the best of my ability.

Subscribed and sworn to before me this.....day of....., 192.....

(Name and designation of official before whom taken.)

(g) On the day of election and before entering upon the performance of their duties, each of the other election officers shall take a similar oath before said inspector, or in case he is not present, before any other of themselves, each of whom is for this purpose authorized to administer an oath. Such oaths shall be taken and subscribed upon a form which shall be provided for that purpose in the poll list for that precinct.

(h) No person shall be eligible to act as a member of any election board who can not read and write the English language, nor shall any person be appointed an election officer or act as such who is not at the time in every respect qualified to act as such election officer, except as hereinbefore provided, nor shall any person so appointed serve as such until he has taken the oath required. The inspector, judges and clerks upon each board of election shall distribute the extra duties devolving upon such board of election, in addition to their own duties, in such a manner as they themselves shall deem most advantageous, and such extra duties assigned to the several officers or clerks of boards of election by other sections of this code shall be performed by the members of each board as the said duties have been distributed in accordance with this provision.

Not more than two members of any board of election shall be absent from the polling place at any one time. Such board of election shall canvass the votes for such precinct, and must be present at the closing of the polls. The members of said board shall relieve each other in the duties of canvassing the ballots, which may be conducted by at least four members of the board; provided, that there shall always be two members simultaneously keeping the tally sheets, and always two members looking at the vote on the ballot from which one of said two members is reading; and provided, further, that the final certificate shall be signed by a majority of the whole.

(i) In any city and county having a registrar of voters all preliminary or other lists of persons qualified to act as election officers and all appointments of election officers shall be made by said registrar of voters and he shall have power to excuse persons appointed from serving whenever he is satisfied any such person ought to be excused, and to substitute new appointees in all cases when any person appointed shall be excused or found disqualified or deemed incompetent down to a time when said registrar of voters shall send a final or amended list of such election officers to the inspector, for the precinct, which list shall be the registrar's final order of appointment for such precinct; such appointments shall be in the form prescribed in subdivision (f) of this section, and in addition shall have at the head thereof the words in capitals "Final precinct list of election officers."

In a city and county having such a registrar of voters he may require inspectors of election who have been appointed, to take the oath of office at the office of said registrar of voters at least ten days before the day of election, and if such inspector shall refuse or fail to so take such oath of office said registrar may substitute and appoint an inspector and administer such oath of office to such newly appointed inspector. In a city and county the publication of the list of election officers referred to in this section, may, in the discretion of the registrar of voters, be made only once. (Amended March 13, 1903; April 12, 1911; January 9, 1912; June 14, 1913; May 26, 1915; May 7, 1919; May 31, 1921.)

Digest of Election Laws.

Sec. 1142a. On or before the first day of January of each even-numbered year, the Secretary of State and the Attorney General shall prepare a brief digest of election laws in so far as such laws affect the duties of election officers

during the casting and the canvassing of the vote and the Secretary of State shall send a copy of said digest to each County Clerk or Registrar of Voters in each county or city and county. Such digest shall be in such form as will readily indicate to election officers the substance of such provisions of the Political Code or other election laws as they may find it most important to know in the performance of their duties, and shall contain in each case a reference to the section of the said Code or laws, by reference to which further examination of said provisions may be made. A copy of this digest, together with such further instructions as the County Clerk or Registrar of Voters may desire to make, shall be prepared by him and furnished to each election officer at the time of his appointment according to the provisions of section one thousand one hundred forty-two of this Code. (Amended May 6, 1919.)

Powers of Inspectors.

Sec. 1145. The Inspectors may:

1. Administer all oaths required in the progress of an election.

2. Appoint judges and clerks, if, during the progress of an election, any judge or clerk ceases to act, or becomes incapacitated from acting. (Amended May 1, 1911.)

Judges and Clerks May Administer Oaths.

Sec. 1146. Any member of the board, or either clerk thereof, may administer and certify oaths required to be administered during the progress of an election.

Board and Clerks to Be Sworn.

Sec. 1148. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the township may administer and certify such oath.

Copies of Index to Be Posted.

Sec. 1149. Before opening the polls the Board must post in separate convenient places, at or near the polling place and easy of access to the electors, not less than four of the copies of the index to the book of affidavits of registration furnished for that precinct. (Amended March 18, 1905; May 26, 1915.)

Copies of Index Posted Must Not Be Defaced.

Sec. 1150. The copies so posted must be maintained during the whole time of voting and must not in any manner be torn or defaced.

Boards of Election for Special and Consolidated Precinct.

Sec. 1151. The City Council or other Board having charge and control of the elections of any municipality shall appoint a Board of Election for each election or consolidated election precinct to consist of one inspector, two judges and three clerks for each municipal election provided for by section one thousand forty-four of this Code, held within that municipality, and the Board of Supervisors or other Board having charge or control of elections shall appoint a Board of Election to consist of one inspector, one judge and two clerks for every other election provided for by said section, who shall apportion among themselves the work required in the conduct of such election within their respective election precincts; provided, that at any nominating or general municipal election held under the provision of a Freeholders' Charter, the Board or governing body charged with the conduct of such elections, may by majority consent, appoint a Board of Elections for each election precinct, to consist of one inspector, one judge, and two clerks. The members of such Boards shall be appointed, and when appointed shall act, as provided for by section one thousand one hundred forty-two of this Code. But one poll list, one tally list, and one copy of such tally list, as provided for in section one thousand two hundred sixty-one of this Code, need be kept, and but one book of original affidavits of registration need be furnished for use at each precinct, which shall be returned to the proper officers with the official returns, in the manner provided for the returns at a general election. (Amended March 19, 1907; January 9, 1912; May 26, 1915; May 7, 1919.)

Time of Opening and Closing Polls.

Sec. 1160. The polls must be opened at six o'clock a. m. of the day of election, and must be kept open until seven o'clock p. m. of the same day, when the polls shall be closed, except as provided in section 1164 of this code: (Amended March 20, 1899; March 1, 1907; March 20, 1909; May 27, 1913.)

Ballot Box Must Be Exhibited.

Sec. 1162. Before receiving any ballot the board must, in the presence of any persons assembled at the polling place, open and exhibit and close the ballot box; and thereafter it must not be removed from the polling place or presence of the bystanders until all the ballots are counted, nor must it be opened until after the polls are finally closed.

Proclaim That Polls Are Open.

Sec. 1163. Before the board receive any ballots, they must cause it to be proclaimed aloud at the place of election that the polls are open.

Rights of Voters at Closing Time.

Sec. 1164. When the polls are closed, that fact must be proclaimed aloud at the place of election; and after such proclamation, no ballot must be received; provided, however, that if at the hour of closing there are any other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after seven o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. (Amended March 20, 1899; March 20, 1909; May 27, 1913.)

Form of Poll Lists and Tally Lists.

Sec. 1174. The following is the form of poll list to be kept by Board and Clerks of Election:

Poll Lists.

Of the election held in the precinct of....., in the County of....., on the.....day of....., in the year A. D. one thousand nine hundred and....., A. B., C. D., and E. F., Judges, and G. H. and J. K., Clerks, of said election, were respectively sworn (or affirmed) as the law directs, previous to their entering on the duties of their respective offices.

Number and Name of Electors Voting.

No.	Name	No.	Name
1	A. B.	3	E. F.
2	C. D.	4	G. H.

We hereby certify that the number of electors voting at this election amounts to.....

Attest:

G. H.,
J. K.,
Clerks.

A. B.,

C. D.,
E. F.,

Board of Election.

Tally Lists.

Names of persons voted for, and for what office, containing the number of votes given for each candidate.

Governor	Representative in Congress	Members of the Legislature	
		Senate	Assembly

We hereby certify that A. B. had.....votes for Governor and C. D.votes for Governor; that E. F. had.....votes for Representative in Congress, etc.

J. K.,
G. H.,
Clerks.

A. B.,

E. F.,
C. D.,

Board of Election.

Want of Form Not to Vitiate.

Sec. 1175. No list, tally, paper, or certificate returned from any election must be set aside or rejected for want of form, nor on account of its not being strictly in accordance with the directions of this Title, if it can be satisfactorily understood.

Ballots and Other Printing to Be at Public Expense.

Sec. 1185. All ballots cast in elections for public officers within this State shall be printed and distributed at public expense as hereinafter provided. The printing of general tickets and cards of instructions to electors of each county and the delivery of the same to the election officers, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses; and the printing and delivering of "municipal tickets," and also, in case of separate elections for city, city and county, or town officers, the printing and delivering of cards of instruction shall be a charge upon the respective city, city and county, or town in which such "municipal tickets" and cards of instruction are to be used, the payment of which shall be provided for in the same manner as the payment of other city, city and county, or town expenses. (In effect July 1, 1891.)

Independent Nominations.

Sec. 1188. A candidate for any public office for which no non-partisan candidate has been nominated at any primary election may be nominated subsequent to said primary election, or in lieu of any primary election, in the manner following: a nomination paper containing the name of the candidate to be nominated, with other information required to be given in the nomination papers provided for in the direct primary law then governing primary elections, shall be signed by electors residing within the district or political subdivision for which the candidate is to be presented, equal in number to at least one per cent of the entire vote cast at the last preceding general election in the state, district or political subdivision for which the nomination is to be made subject to the restrictions contained in said direct primary law. The provisions of said direct primary law as therein applied to non-partisan offices, when the nomination to be made under this section is for an office for which nominations are made at the August primary election, and the provisions of that law as therein applied to primaries other than the August primary election and the May presidential primary election, when the nomination to be made under this section is for a municipal office or for any office to which that law does not apply, shall substantially govern as to the manner of the appointment of verification deputies, the form of nomination papers and the securing of signatures thereto, and fastening together of sections of the nomination paper containing such signatures, and the filing thereof with the county clerk, or the certification thereto by the county clerk and transmission thereof to the secretary of state or to the city clerk or secretary of the legislative body of any municipality, as the case may be, the filing of the candidate's affidavit, the payment of a filing fee, and all other things necessary to get the name of a candidate under this section upon the ballot, except that such provisions shall be directed toward getting the candidate's name on the ballot for a general or municipal election or a special election and not on the ballot for nomination at a primary election. In addition to the other matter required to be set forth on the candidate's nomination paper, it must also be set forth that each signer thereof did not vote at the primary election immediately preceding at which a candidate was nominated for the public office mentioned in said nomination paper; **provided**, that this statement shall be omitted in case no candidate was nominated at said primary election for the public office mentioned in said nomination paper.

Upon the filing of a sufficient nomination paper and affidavit by any candidate nominated under the provisions of this section and the payment of the filing fees as hereinbefore provided, the name of such candidate shall go upon the ballot at the ensuing general or municipal election according to the provisions of section one thousand one hundred ninety-seven of this code. (Amended March 23, 1901; March 19, 1907; April 12, 1911; June 14, 1913; May 26, 1915; May 29, 1917.)

Certificates of Nomination, Time of Filing.

Sec. 1192. Nomination papers required to be filed with the secretary of state, or with the county clerk, shall be filed not more than sixty days, nor less than thirty-five days before the day of election, when the nomination is made by electors as provided in section one thousand one hundred eighty-eight of this

code. Nomination papers required to be filed with the clerk or secretary of the legislative body of any city or town, shall be filed not more than forty days nor less than twenty days before the day of election, when the nomination is made by electors as provided in section one thousand one hundred eighty-eight of this code. (Amended March 23, 1901; April 12, 1911; June 14, 1913; April 28, 1915; May 29, 1917.)

Nomination Papers to Be Preserved for Two Years.

Sec. 1193. The Secretary of State, the County Clerk, and the Clerk or Secretary of the legislative body of any municipality shall preserve for a period of two years in their respective offices all nomination papers filed therein under the provisions of law, and shall thereafter destroy the same unless they have been introduced in evidence in some action or proceeding then pending. (Approved May 26, 1915.)

Initiative, Referendum and Recall Petitions to Be Preserved for Four Years.

Sec. 1194. The Secretary of State shall preserve for a period of four years in his office all initiative, referendum and recall petitions filed therein under the provisions of law and shall thereafter destroy the same unless they have been introduced in evidence in some action or proceeding then pending. (Approved May 3, 1915.)

Amendments to Constitution Propositions, Measures and Questions to Be Submitted to the Vote of the Electors, How Prepared.

Sec. 1195. Whenever the Legislature shall propose any amendment to the Constitution of this State or any other proposition to be voted upon by the electors of the State, the author of such amendment or proposition and one member of the same house who voted with the majority on the submission of such amendment or proposition, shall be appointed as a committee of two by the presiding officer of such house, before the adjournment of the Legislature, to draft an argument giving the reasons for the adoption of such amendment or proposition, which argument shall be not more than five hundred words in length. If the author of such amendment or proposition shall desire separate arguments to be written in favor thereof by each member of the committee, such separate arguments may be written, but the combined length of the two arguments shall not be more than five hundred words. At the same time said committee of two is appointed, one member of the same house who voted with the minority against the submission of such amendment or proposition, if there was any such minority vote, shall be selected by the presiding officer of such house as a committee of one to write an argument against such amendment or proposition, and such argument shall be not more than five hundred words in length. These articles shall be submitted to the Secretary of State within ninety days after the adjournment of the Legislature, subject to amendment or change by the committee respectively submitting them at any time within one year after such adjournment, such amendment to be substituted by the Secretary of State in lieu of the original. In case either the argument for or the argument against such amendment has not been filed by a member of the Legislature within one year from the final adjournment of the Legislature or in case no committee was appointed to write it, any elector may request the presiding officer of the house in which said amendment originated for permission to prepare and file an argument for such amendment or proposition, and any other elector may request such officer for permission to prepare and file an argument against the same. The presiding officer of such house shall grant such permission, if there be more than one elector requesting such permission, he shall designate the person to prepare and file such statement, either for or against such amendment or proposition, or both for and against, as the case may be. (Amended March 10, 1909; June 14, 1913; May 27, 1915.)

Amendments, How Printed.

1195a. The secretary of state shall cause to be printed at the state printing office one and one-tenth times as many pamphlets as there are registered voters in the state. Such pamphlets shall contain a complete copy of all constitutional amendments, propositions and measures submitted to a vote of the electors of the state by the legislature, or by initiative or referendum petition, a copy of the corresponding constitutional or statutory provisions as then in force, if any, and a copy of the arguments provided for in section one thousand one hundred ninety-five in this code and in section one, article four of the constitution of the State of California. Said pamphlets shall be printed in two parts, separately paged. The first part, which shall consist of the arguments

for and against the various constitutional amendments, propositions, and initiative and referendum measures in the same order in which they are to appear upon the ballot, shall be printed in eight-point type, shall be preceded by the numbers and ballot titles hereinafter provided for, and shall in each case be preceded by a reference, printed in black-face type, to the page on which begins the text of the measure as printed in the second part of said pamphlet. Said second part shall be designated as the appendix, shall begin with page numbered one, shall be printed in small type, and shall contain, in the same order and with the same numbers and ballot titles as provided above, the text, existing provisions and all other matter connected with the proposed constitutional amendments, propositions and measures, except the arguments to be printed in the first part of the pamphlet as above provided. The parts of the proposed measures differing from the existing provisions shall therein be distinguished in print, so as to facilitate comparison. All questions, propositions, measures and constitutional amendments which are to be submitted to a vote of the electors shall be printed in said pamphlets, so far as possible, in the same order, manner and form in which the same shall be designated upon the ballot and shall be designated thereon by the respective ballot titles or designations which may be provided therefor. Said ballot titles shall be numbered consecutively and printed on the pamphlets herein referred to immediately prior to the particular question, proposition, measure or constitutional amendments therein referred to. There shall also be printed on said pamphlets the copy of said ballot title or designation as the same will appear on the ballots when voted on in the order and with the proper number which ballot title or designation shall be the method by which said questions, propositions and constitutional amendments shall be designated on the ballots. (Amended May 27, 1915; May 7, 1919; May 17, 1923.)

Amendments, Etc., How Certified and Mailed.

Sec. 1195b. The Secretary of State shall duly, and not less than thirty days before the election next ensuing at which such amendments, propositions, measures or questions are to be voted on, certify such pamphlet and the matters contained therein and furnish each County Clerk in the State with not more than one and one-twentieth times as many copies of such pamphlets as there are registered voters in his county. The Clerk of each county shall not more than twenty-five days, nor less than fifteen days prior to said election cause to be mailed to each voter a copy of such pamphlet and no other publication of such amendments, propositions, measures, questions or statements shall be necessary or authorized. Three copies of such pamphlets, to be supplied by the Secretary of State, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the electors. (Amended May 27, 1915; May 7, 1919.)

Ballots.

Sec. 1196. Except as in this code otherwise provided, it shall be the duty of the County Clerk of each county to provide printed ballots for every election of public officers, except elections for city or town officers, in which electors, or any of the electors, within the county participate, and to cause to be printed in the appropriate ballot the name of every candidate whose name has been certified to or filed with the County Clerk in the manner provided for by law, together with the names certified by the Secretary of State to have received in the respective parties, the highest number of votes for United States Senator. Ballots other than those printed by the respective County Clerks, or the Clerk or Secretary of the legislative body of any incorporated city or town, according to the provisions of this code, shall not be cast nor counted at any election. It shall be the duty of the County Clerk of any consolidated city and county to provide separate ballots for every election for city and county officers in which the electors, or any of the electors, of such city and county participate, and to cause to be printed on such separate ballots the name of every candidate for a city and county office whose name has been filed with the proper officer in the manner provided by law. It shall be the duty of the Clerk or Secretary of the legislative body of any incorporated city or town to provide separate ballots for every election for city or town officers in which the electors, or any of the electors, of such city or town participate, and to cause to be printed in such separate ballots the name of every candidate whose name has been filed with such clerk or secretary in the manner provided for by law. All ballots shall be not to exceed twenty-four inches in length, and shall be of sufficient width to contain in parallel columns three inches in width the names of all candidates nominated, and below the printed list of candidates for each office, the necessary

blank space or spaces to permit an elector to write in the names of persons whose names are not printed on the ballot, and to contain in a separate column or columns of sufficient width statements of all questions, propositions or constitutional amendments to be submitted to vote of the electors, and shall be printed on tinted paper furnished by the Secretary of State. It shall be the duty of the Secretary of State to obtain and keep on hand, a sufficient supply of paper for ballots, and to furnish the same in quantities ordered, to any County Clerk, or clerk or secretary of the Legislative body of any incorporated city or town, upon payment by them of the cost of such paper. Such paper shall be water-marked with a design to be furnished by the Secretary of State, in such manner that the said watermark shall be plainly discernible on the outside of such ballot when folded according to law. Such design shall be kept secret from all persons not engaged in the preparation, printing or distribution of the paper or ballots, until the day of election. Such design shall be changed for each general election, and the same design shall not be used again at any general election within the space of fourteen years; but at any special or separate local election, paper marked with the design used at the previous election may be used. Nothing in this code contained shall prevent any voter from writing upon his ballot the name of any person for whom he desires to vote for any office and such vote shall be counted the same as if printed upon the ballot, and marked as voted for. (Amended March 20, 1911; May, 1919.)

Form of Ballot.

Sec. 1197. There shall be provided at each polling place, at each election at which public officers are voted for, but one form of ballot for all the candidates for public office, and every ballot shall contain the names of all the candidates whose nominations for any office specified on the ballot have been duly made and not withdrawn, as provided by law, together with the title of the office arranged to conform as nearly as practicable to the plan hereinafter set forth.

Order in Which Officers Shall Appear by Whom Determined.

2. The order in which the list of officers shall appear on the ballot shall, as to State offices and district offices, when the district includes more than one county, be determined by the Secretary of State, and shall as nearly as may be practicable, be the same for all counties. The order in which the list of county offices or district offices embracing one county or less, shall appear on the ballot, shall be determined by the County Clerk.

The order in which the list of candidates for any office shall appear upon the ballot shall be determined as follows:—

State Ticket, U. S. Senators, Presidential Electors.

(a) If the office is an office the candidates for which are to be voted on throughout the entire State, including United States Senator in Congress, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged; provided, however, that the names of candidates for the office of electors for President and Vice-President shall be arranged in groups as presented in the several certificates of nomination, and the Secretary of State shall arrange such groups for the first assembly district in the alphabetical order of the names standing at the head of each of such groups as the first name therein; and, thereafter, for each succeeding assembly district, the group appearing first shall be placed last, the order of the groups remaining unchanged; but the order of the names within each of the several groups shall remain the same as presented in the several certificates of nomination and shall remain the same for all assembly districts. A blank column one-half inch wide shall be left upon the ballot opposite each group of names of candidates for electors for President and Vice-President, and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed in heavy face type "A cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any group of names from any other group shall be heavier than any line separating the individual names in each group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "top of

group," and above the bottom line of the extension, the words "end of group." If the office is that of representative in Congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire State, except the office of State Senator or Assemblyman, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on, and thereafter for each succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged.

Candidate Certified by Assembly Districts.

In certifying to each County Clerk or Registrar of Voters the list of names as required in section 23 of the primary election law the Secretary of State shall certify and transmit the list of candidates for each office according to assembly districts in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of State Senator or Assemblyman, the order in which the names so certified shall appear upon the ballot, shall be for each assembly district the order as determined by the Secretary of State in accordance with the above provisions, and as certified and transmitted by him to each County Clerk or Registrar of Voters.

Officer Voted Wholly Within One County.

(b) If the office is an office to be voted on wholly within one county or city and county, except the office of Representative in Congress or State Senator or Assemblyman, the County Clerk of such county or the Registrar of Voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order, which order shall be the order of names upon the ballots; provided, there is no more than one assembly district in such county, or city and county. If there is more than one assembly district in such county or city and county, the County Clerk or Registrar of Voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

Senator, Assemblyman.

(c) If the office is that of State Senator or Assemblyman, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

Alphabetical Order—Independent Nominations—Judicial Officers.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order. If the nomination of a candidate for any office shall be made by petition, filed within the time and manner provided by law, but subsequent to the determination of the order in which names of candidates shall appear on the ballot, the name of such candidate with the word "independent" printed to the right thereof, shall be placed on the ballot next below the names of the other candidates for the same office; provided, however, that in the case of judicial officers and school officers the word "independent" shall be omitted.

Questions and Propositions—Constitutional Amendments—Ballot Title.

3. The order in which all questions and propositions (including proposed laws and constitutional amendments), which are to be submitted to the vote of the electors, shall appear upon the ballot shall be determined by the Secretary of State. The Attorney General shall provide and return to the Secretary of State a ballot title or designation by which all such questions, propositions, proposed laws and constitutional amendments shall be designated upon the ballot; provided, however, any person who is interested in any question, proposition, proposed law or constitutional amendment, the petition as to which is being circulated for the purpose of having the same submitted under an initiative petition, as provided in section one of article IV of the constitution, to a vote

of the electors, or any proposed constitutional amendment to be submitted to a vote of the electors, may, at any time prior to one hundred and thirty days before the election at which such question, proposition, proposed law or constitutional amendment is to be submitted to a vote of the electors, file a copy of said question, proposition, proposed law or proposed constitutional amendment with the Secretary of State, together with a request that a ballot title be prepared for the same; such request shall be accompanied with the address of the person or association of persons proposing such measure. The Secretary of State shall forthwith transmit a copy of said question, proposition, proposed law or constitutional amendment to the Attorney General. Within ten days after the same is filed with him, said Attorney General shall provide and return to the Secretary of State a ballot title for said measure. The ballot title may be distinguished from the legislative or other title of the measure and shall express in not exceeding one hundred words, the purpose of the measure. In making such ballot title, the Attorney General shall give a true and impartial statement of the purpose of the measure and in such language that the ballot title shall not be an argument or likely to create prejudice either for or against the measure. Immediately upon receipt of the ballot title as prepared by the Attorney General, the Secretary of State shall mail to any and all persons who may have requested the preparation of such ballot title, a notice addressed to such person or persons at the address accompanying such request, stating that the Attorney General has made and returned such ballot title, which notice shall also contain a copy of the ballot title as prepared by the Attorney General. Any person who is dissatisfied with the ballot title prepared by the Attorney General for any such question, proposition, proposed law or constitutional amendment may, after the same has been returned to the Secretary of State as hereinbefore provided, and within ten days after said notice shall have been mailed by the Secretary of State, as above provided, file in writing with the Secretary of State his objections, who shall forthwith file a copy of such question, proposition, proposed law or constitutional amendment, together with the title thereof as so prepared by the Attorney General and the said objections thereto, with the Board of Title Commissioners, which board shall consist of the three Justices of the District Court of Appeal of the State of California, in and for the third appellate district, who shall be ex-officio title commissioners for the purposes of this act and which board is hereby created; said board shall fix a time at which any person may be heard either for or against the objection so made and shall notify all persons of the time so set and thereupon said Board of Title Commissioners shall proceed to consider the said title prepared by the Attorney General and the objections filed thereto, and shall prepare a title by which such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot. Said title commissioners shall certify the said designation to the Secretary of State within ten days after said written objections have been received by them. The determination by the said Board of Title Commissioners shall be final and conclusive. Such questions, propositions, proposed law and constitutional amendments shall be designated on the ballot by the said ballot title certified to the Secretary of State by the said Attorney General, or in case a different title has been prepared, certified and filed by the said Board of Title Commissioners, then such title shall be the title and designation by which any such question, proposition, proposed law or constitutional amendment shall be designated upon the ballot.

Ballots—Independent Nominations—Judicial and School Offices.

4. All ballots shall be not to exceed twenty-four inches in length, and shall be three inches in width and as many times such width as may be necessary to contain the names of all candidates nominated, with proper blank spaces to allow the voter to write in names not printed on the ballot, and also a separate column or columns of sufficient width for statements of all questions, propositions or constitutional amendments submitted to vote of the electors. Each group of candidates to be voted on shall be headed by the designation of the office and the words "vote for one" or "vote for two" or more, according to the number to be elected to such office; such designation of the office and of the number of candidates to be voted for shall be printed in heavy faced gothic type not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "vote for one" or "vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the names of the candidates by a light line. The names of the candidates for such office shall be printed in eight-

point roman type (capitals) in proper order below the designation of the office, and in the same line in which the name of the candidate is printed and at the right of the name, or immediately below the name if there shall not be sufficient space to the right thereof, shall be printed in eight-point roman type (lower case) the designation of the political party or parties by or on behalf of which such candidate has been nominated, the first political party so designated being the party with which such candidate was affiliated thirty-five days before the date of the primary election, as ascertained by the Secretary of State from the affidavit of registration of such candidate in the office of the County Clerk in the county in which such candidate resides; provided, that when a candidate has been nominated by petition, the word "independent" shall be printed to the right of his name; and provided, also, that as to candidates for judicial offices and school offices the designation of the political party or parties, or the word "independent," if there be an independent candidate, shall be omitted. The name of the candidate and the designation of the political party or parties by which he has been nominated shall be printed in a space three-eighths of an inch in depth, and shall be defined by light horizontal ruled lines, with a blank space on the right thereof three-eighths of an inch square, which blank space (called the voting square) shall be made use of by the voter to designate, by stamping a cross (X) therein and after the name of the candidate, his choice of particular candidates.

Names of Candidates—How Printed.

5. The names of the candidates for an office shall not be separated from each other on the ballot by names of candidates for any other office, and the list of candidates for each office shall be separated from the list of candidates for other offices by a double rule above and below such list. Each series of the lists of candidates for the several offices shall be headed by the word "state," "congressional," "legislative," "county," or "municipal" or other proper general classification, as the case may be, printed in heavy faced gothic capital type, not smaller than twelve point, each such word being separated from the names of the candidates beneath by a three-point line.

Voting Squares.

6. The left-hand side of each column of names on the ballot, and also the right-hand side of each column of voting squares, shall be bordered by a broad printed line one-twelfth of an inch wide. The ballot shall be so printed as to give each voter a clear opportunity to designate, by stamping a cross (X) in a blank enclosed space hereinbefore designated as the voting square on the right of and after the name of each candidate whose name is printed on the ballot, his choice of particular candidates, or his choice of each and all of a group of candidates as provided in subdivision two of this section. The binding or stitching of each package of ballots shall be on the left side thereof. The ballot shall be printed on the same leaf with a stub not over one and one-half inches in width and separated therefrom by a perforated line from top to bottom, one-half inch to the left of the broad printed line along the left border of the ballot. Upon this stub shall be printed the number of the ballot only. On each ballot a perforated line shall extend across the top of the ballot one inch from the top thereof. The same number as appears on the stub shall be printed above said perforated line within two inches of the perforated line on the left hand side of the ballot, and above this number shall be printed in parenthesis, in small type, as follows: (This number is to be torn off by inspector); and one-half inch to the right of this ballot number there shall be a short perforated line extended from the perforated line along the top of the ballot to the top edge of the ballot. Immediately above said perforated line shall be printed in black-face lower case type at least twelve point in size, and enclosed in a parenthesis, the following "(Fold ballot to this perforated line, leaving top margin exposed.)" Above this printed direction, and midway between it and the top edge of the ballot, shall be printed in black-face capital type at least twelve point in size, and with the four middle words underlined or otherwise made prominent, the following: "MARK CROSSES (X) ON BALLOT ONLY WITH RUBBER STAMP; NEVER WITH PEN OR PENCIL." The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county. All ballots printed by county clerks or registrars of voters other than the separate ballots containing the names only of candidates for city and county offices, printed by the county clerks or registrars of voters of consolidated cities and counties, shall have printed immediately below the perforated line along the top of the ballot, and above the instructions to voters, the words in capital type at least twelve point in size the

words "GENERAL TICKET," followed by the respective number of the congressional, senatorial, and assembly district in which the ballot is to be voted; and all ballots printed by county clerks or registrars of voters of consolidated cities and counties containing the names of city and county offices, and also all ballots printed by the clerk, registrar of voters, or secretary of a legislative body of any incorporated city or town, shall have printed in the same manner below the perforated line the words "MUNICIPAL TICKET." All municipal ballots shall be printed upon paper of a different tint from that of the general ballot.

Ballots, How Prepared.

7. All of the ballots of the same sort prepared by any county clerk or registrar of voters, or clerk or secretary of a legislative body, or other person having charge of the preparing of such ballots, for the same polling place, shall be precisely the same size, arrangement, quality and tint of paper, and kind of type, and shall be printed with black ink of the same tint, so that without the numbers on the stubs it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort; and the names of all candidates printed upon the ballot shall be in type of the same size and character.

Full Term—Short Term.

8. If two or more officers are to be elected for the same office for different terms, the term for which each candidate for such office is nominated shall be printed on the ballot as a part of the title of the office. If at a general election an office is to be filled for a full term, and also for a vacancy in another term, the list of candidates for the full term shall be placed on the ballot under the designation of the office with the words "full term" printed immediately thereafter, and the list of candidates to fill the vacancy shall be placed on the ballot under the designation of the office with the words "short term" printed immediately thereafter.

Questions, Constitutional Amendments.

9. Whenever any question, proposition or constitutional amendment is to be submitted to the vote of the electors, there shall be printed at the right of the last column of names of candidates, another column or columns of sufficient width, with voting squares in which such question, proposition or constitutional amendment shall be designated, which designation shall consist of a statement prepared as herein provided for and opposite such question, proposition or constitutional amendment to be voted on, in separate lines, the words "Yes" and "No" shall be printed. If an elector shall stamp a cross (X) in the voting square after the printed word "Yes," his vote shall be counted in favor of the adoption of the question, proposition or constitutional amendment; if he shall stamp a cross (X) after the printed word "No," his vote shall be counted against the adoption of the same.

10. On the top of the face of the ballot, the following directions shall be printed:

Instructions to Voters:

To vote for a candidate of your selection, stamp a cross (X) in the voting square next to the right of the name of such candidate. Where two or more candidates for the same office are to be elected, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote, not to exceed, however, the number of candidates who are to be elected. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left for that purpose. To vote on any question, proposition or constitutional amendment, stamp a cross (X) in the voting square after the word "Yes" or after the word "No." All marks, except the cross (X) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. In elections when electors of President and Vice-President of the United States are to be chosen, there shall be placed upon the ballot in addition to the instructions to voters as above provided, an additional instruction as follows: To vote for all or a group of persons, stamp a cross (X) in the square opposite such group, this instruction appearing immediately before the words: "To vote for a person not on the ballot."

If you wrongly stamp, tear or deface this ballot, return it to the inspector of election and obtain another.

11. Except as to the order of the names of candidates, the ballots shall be printed substantially in the following form:

3347 (The number to be used on
the inspection)

MARK CROSSES (X) ON BALLOT **ONLY WITH RUBBER STAMP**; NEVER WITH PEN OR PENCIL

(Fold Sheet to this Perforated Line, leaving Top Margin exposed)

GENERAL TICKET-7th CONGRESSIONAL, 18th SENATORIAL, 72nd ASSEMBLY DISTRICT

the number of candidates who are to be selected. To vote for a person not on the ballot, write the name of such person under the title of the office in the blank space left, for that purpose. To vote for a person, postscript, or constitutional amendment, stand a square (X) in the voting square after the word "Yes" or before the word "No". All marks, except the class (X) are forbidden. All distinguishing marks or arrows are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the Inspector of Election and obtain another.

Antonov, L. *et al.* www.jbc.org [10.1074/jbc.M110.193333](http://dx.doi.org/10.1074/jbc.M110.193333)

(Fold Ballot to this Perforated Line, leaving Top Margin exposed)

GENERAL TICKET—1ST CONGRESSIONAL, 3RD SENATORIAL, 7TH ASSEMBLY DISTRICT

INSTRUCTIONS TO VOTERS:

to a group of persons, except a group of the opposite sex group. To vote for a person, except a person of the same sex, who is to be voted for, except as may be specified in the amendment, stamp a cross (x) in the voting space after the name of the person. All distinguishing marks or characters are forbidden and make the ballot void. If you wrongly stamp, tear or damage

Duties Prior to Circulating Initiative, Referendum and Recall Petitions.

Sec. 1197a. It shall be the duty of the proponents of any initiative measure relating to the Constitution or the laws of the State of California, prior to circulating any petition for signatures thereon, to submit a draft of said petition to the Attorney-General with a request that he prepare a title, and summary of the chief purposes and points of said proposed measure. Such title and summary shall forthwith be prepared in the manner provided for the preparation of ballot titles in Paragraph 3 of Section 1197 of the Political Code. Said title and summary shall not exceed one hundred words in all.

Text of Measure.

Sec. 1197b. The proponents of any proposed initiative measure shall place upon each section of the petition in relation thereto above the text of the measure the title and summary referred to in Section 1197a of the Political Code not

exceeding one hundred words in all. Across the top of each page of any petition asking that any act or section, or part of any act of the Legislature be submitted to the electors for their approval or rejection, there shall be printed in twelve-point black-faced type the following:

**"Referendum Against an Act Passed by the
Legislature."**

Across the top of each page after the first page of every initiative, referendum or recall petition or section thereof which may be prepared and circulated in accordance with law there shall be printed in eighteen-point gothic type a short title, in not to exceed twenty words, showing the nature of the petition and the subject to which it relates.

No officer chargeable by law with receiving or filing in his office any initiative, referendum or recall petition shall receive or file any such petition which does not conform with the provisions of this section. This section shall apply only to initiative, referendum and recall measures affecting the Constitution or laws of the State, or State officers. (Approved April 12, 1915.)

Ballots, How Printed and Bound.

Sec. 1198. All ballots, when printed, shall be bound in stub books, each book to consist of ten, or some multiple of ten, ballots and so issued. A record of the number of ballots printed by them shall be kept by the respective County Clerks, and by the clerk or secretary of the legislative body of each incorporated city or town. (In effect July 1, 1891. Amended March 24, 1911; amended April 23, 1913.)

Number of Ballots to Be Printed—Destruction of Unused Ballots.

Sec. 1199. The County Clerk or Registrar of Voters of each county shall provide for each election precinct in the county ten general tickets for every eight or fraction of eight electors registered in the election precinct for such election, and an additional ten ballots for each election precinct that has less than thirty registered electors; provided, that no ballot pad used or provided for any election shall contain less than ten general tickets for such election, and in case of a consolidated city and county, an equal number of municipal tickets, when any city and county officers are to be elected and the clerk or secretary of the legislative body of any incorporated city or town shall furnish a like number of municipal tickets when any city or town officer is to be elected. And upon the day of election, immediately upon the arrival of the hour when the polls are required by law to be closed, the county clerk in each county shall openly, in his main office, in the presence of as many persons as may there assemble to observe his act, proceed to destroy every unused ballot which shall have remained in his possession, custody or control, and forthwith make and file his affidavit, in writing, as to the number of ballots so destroyed. (Amended March 28, 1899; March 19, 1909; April 23, 1913.)

How Errors in Publication Corrected.

Sec. 1200. Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the name or description of the candidates nominated for office, or in the printing of the ballots, the Superior Court of the county, or the Judge thereof, shall, upon application by any elector, by order, require the County Clerk to correct such error, or to show cause why such error should not be corrected. (In effect July 1, 1891.)

Sealing and Delivery of Ballots.

Sec. 1201. Before the opening of the polls at any election within any county, the County Clerk of the county shall cause to be delivered to the Boards of Election of each election precinct which is within the county, and in which the election is to be held, at the polling place of the election precinct, the proper number of general tickets of the kind to be used in the election precinct, in sealed packages, with marks on the outside clearly designating the precinct or polling place for which they are intended, and the number of ballots inclosed; and in case of a consolidated city and county, also a like number of municipal tickets; and the Clerk or Secretary of any incorporated city or town shall, in like manner, cause to be delivered the proper number of municipal tickets. The County Clerk, Clerk or Secretary shall prepare a receipt for each polling place, enumerating the packages, and stating the time and day and date when the same were delivered by him to the Inspectors of Election. The Inspectors of Election shall sign said receipt, upon receipt of the packages, which shall forthwith be

returned and filed. The County Clerk, Clerk and Secretary, respectively, shall have authority to employ such messengers as may be necessary to insure the safe and expeditious delivery of the ballots to the Inspectors or Judges of Election, as provided in this Code; and the Board of Supervisors, or other Board or body having the control of elections, shall allow such messengers a reasonable compensation for their services, to be paid as other election expenses are paid. In case of the prevention of an election in any precinct by the loss or the destruction of the ballots intended for that precinct, the Inspector, or other election officer for that precinct, shall make an affidavit setting forth the fact, swear to the same before an officer authorized to administer oaths, and transmit it to the Governor of this State. Upon receipt of such affidavit, the Governor may order a new election in such precinct, and upon the application of any candidate for any office to be voted for by the electors of such precinct, the Governor shall order a new election in such precinct. (In effect July 1, 1891.)

Ballot Boxes, Booths, Etc.

Sec. 1203. All officers upon whom is imposed, by law of the State, the duty of designating polling places, shall cause such polling places to be suitably provided with a ballot-box, to be marked on the outside "General Tickets," and when any city, city and county, or town officers are to be elected, a second ballot-box to be marked on the outside "Municipal Tickets"; and shall also provide a sufficient number of places, booths, or compartments, at or in which voters may conveniently mark their ballots, so that in the marking thereof they may be screened from the observation of others; and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes, and of such booths or compartments. The arrangements shall be such that neither the ballot-boxes nor the box booths or compartments shall be hidden from the view of those just outside the said guard-rail. The number of such voting booths or compartments shall not be less than one for every forty electors qualified to vote in the precinct. No person other than electors engaged in receiving, preparing, or depositing their ballots shall be permitted to be within said rail before the closing of the polls, except by authority of the Board of Election, and then only for the purpose of keeping order and enforcing the law. Each of said voting booths or compartments shall be kept provided with proper supplies and conveniences for marking the ballots; provided, that no such supplies or conveniences shall be furnished other than the ink pads and stamps by which a cross (X) may be made as herein provided for. And the election officers shall especially see that the stamps and ink-pads required are at all times in such booths and in condition for proper use; and all officers upon whom is imposed by the law, the duty of designating polling places shall supply each polling place with several stamps and several ink-pads for each booth, and such stamps shall be so made that a cross (X) may be made with either end of such stamp, and the same must be so constructed that the portion with which such cross (X) is to be made shall not be fastened on by any glue or like substance which may loosen when wet, but the said stamp shall be one solid piece; provided, however, that nothing herein contained shall prevent an elector from using a pencil for the purpose of writing in on the ballot the name of any candidate for whom he desires to vote. (Amended March 28, 1895; May 7, 1919.)

Manner of Voting, Challenges.

Sec. 1204. Any person desiring to vote shall write his or her name and address (or if he or she be unable to write, shall have the same written for him or her) on a roster of voters provided for that purpose and announce the same to one of the election officers, who shall then in an audible tone of voice announce the same, and if another election officer finds the name on the register, he shall in a like manner repeat the name and address, whereupon a challenge may be interposed as provided in Section 1230 of this code. In case the surname of any female person offering to vote has been changed by reason of marriage or divorce since registration such person shall sign her name as it was before such marriage or divorce and also her name as it is at the time she votes, indicating on the roster, by brackets or other means, that the two names are the names of one person. In all cases except in those where the name and address of the voter is written on the roster of voters for him, as above provided, it shall be the duty of the election officer in the presence and view of the bystanders, to compare the signature of the voter on the roster of voters with the signature of that person on the register and no ticket shall be given such voter until such comparison of signatures shall have been made, and until such a comparison has been made, as aforesaid, the right of a voter to vote may be challenged. If the

challenge be overruled the election officer shall give the voter a ticket and the clerk shall write on the register opposite the name of the voter the number of the general ticket given him and also the number of the municipal ticket given him when any city, city and county or town officer is to be elected and the voter shall be allowed to enter the place enclosed by the guard rail as above provided. The election officer shall give him but one general ticket and where any city, city and county or town officers are to be elected also one municipal ticket and only one ballot of each kind and in order to prevent voters from marking their ballots with a pencil, or otherwise contrary to law, it shall be the duty of the election officer whenever he shall deliver a ballot to any voter to then orally distinctly state to him, so that it may be heard by the bystanders, that he must mark the ballot with the stamp provided by law or it will not be counted. (Amended March 6, 1889; March 18, 1905; January 9, 1912; June 14, 1913.)

Ballots—How Marked; How Voted.

Sec. 1205. On receiving his ballot, the elector shall forthwith and without leaving the inclosed space, retire along to one of the places, booths or compartments provided, to prepare his ballot. In voting he shall stamp a cross (X) in the voting square after the name of every candidate for whom he intends to vote and this shall be counted as a vote for each person after whose name the voter has stamped such cross, or he may vote for a candidate or person whose name is not printed on the ballot by writing a name for such office in the blank space left therefor, in which latter case the vote of such voter for that office shall be counted for the person whose name is so written. Where two or more candidates for the same office are to be elected and the voter desires to vote for candidates for that office, he must stamp a cross (X) after the names of all the candidates for that office for whom the voter desires to vote, not exceeding, however, the number of candidates who are to be elected. In case of a question, proposition or constitutional amendment submitted to the vote of the electors, the voter shall mark his ballot by stamping in the appropriate voting square a cross (X) opposite the answer he desires to give as to such question, proposition or constitutional amendment. All crosses shall be made only with a stamp, which with necessary pads and ink, shall be provided by the officers who by law are required to furnish election supplies for each booth or compartment provided for the marking and preparation of ballots. Before leaving such booth or compartment the elector shall fold his ballot in such a manner that the number of the ballot and the indorsement on the back shall appear on the outside thereof, without displaying the marks on the face thereof, and shall keep it folded until he has voted. Having folded his ballot, the voter shall deliver it folded to the inspector who shall announce in an audible tone of voice the name of the voter and the number of his ballot. If the Ballot Clerk having in charge the register or affidavits of registration finds such number to correspond with the number marked opposite the voter's name on the register or affidavit of registration, he shall, in like manner, repeat the name and number, and shall write opposite the name the word "voted." The Inspector shall then separate the slip containing the number from the ballot, deposit the ballot in the box and immediately destroy such numbered slip. (Approved March 14, 1903. Amended March 20, 1911.)

Time Allowed to Vote.

Sec. 1206. No more than one person shall be permitted to occupy any one booth, at one time, and no person shall remain in or occupy a booth longer than necessary to prepare his ballot, and in no event longer than ten minutes. The board having charge and control of elections shall not furnish for use in the voting compartments any other or additional means or method by which a ballot may be marked than the ink pads and rubber stamps by which a cross (X) may be made as provided for in this code; provided, however, that nothing herein contained shall prevent an elector from using a pencil for the purpose of writing in on the ballot the name of any candidate for whom he desires to vote. (Amended July 1, 1891; May 7, 1919.)

Spoiled or Unused Ballots.

Sec. 1207. Any voter who shall spoil a ballot shall return such spoiled ballot to the Ballot Clerk and receive another in its place, one at a time, not to exceed three in all. All the ballots thus returned shall be immediately canceled, by drawing a cross upon the face thereof in ink or indelible pencil, said cross to be more than three inches square, and, with those not distributed to the voters, shall be returned with the registered list and ballots, as now provided in Sections 1263 and 1264 of this Code. Every elector who does not vote the ballot

delivered to him, shall, before leaving the polling place, return such ballot to the Ballot Clerk having charge of the ballots, who shall immediately cancel the same and return it in the same manner as spoiled ballots. The Ballot Clerks shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled ballots returned, the number of ballots given to them, and it shall be the duty of the officers receiving such returned ballots to compel such an accounting; and immediately upon the closing of the polls, and before any ballot shall be taken from the ballot-boxes, or either thereof, the Ballot Clerks must, in the presence of all persons in the room who may desire to observe the same, proceed to deface every unused or spoiled ballot by drawing across the face thereof, in ink or indelible pencil, two lines which shall cross each other, said cross to be more than three inches square, and said Ballot Clerks shall thereupon immediately, and before any ballots be taken from the ballot-box, or either thereof, place all said ballots thus defaced within an envelope and seal said envelope, and thereupon a majority of the election officers shall immediately write their names across the sealed portion of said envelope. (In effect March 28, 1895. Amended May 31, 1921.)

Electors Physically Disabled or Unable to Read.

Sec. 1208. When it appears from the register that any elector has declared under oath, when he registered, that he cannot read, or that by reason of physical disability he is unable to mark his ballot, he shall, upon request, receive the assistance of two of the officers of election of different political parties, in the marking thereof, to be chosen as follows: One by the Inspector then receiving the ballots, and the other by the Judge of the opposite political party which at the last election cast the highest number of votes throughout the State, and in the event there are more Judges than one of said party, then by one of said Judges who shall be named by said Inspector. Neither of the persons appointed shall be of the same political party with the person appointing, nor shall either of said persons so making said appointments appoint the other for said purpose. Such officers shall thereafter give no information regarding the marking of said ballot. The officers making such appointments shall make the same in writing, and sign the same, and upon the same paper the persons so appointed shall subscribe and take the following oath before assisting such elector:

State of California, County of , Assembly District Number.....,
..... Precinct, ss.

..... and , being duly sworn, each for himself, says that he is one of the officers of election appointed to assist (here insert the name of the elector) in marking his ballot, and that he will not give any information, now or hereafter, regarding the same.

.....
Subscribed and sworn to before me this day of , A. D. 19.....

Said affidavits may be sworn to before any officer of election competent to administer an oath, and the same, with the indorsement thereon, shall be returned to the County Clerk, as provided in Section 1261 of this Code.

Lists of voters who have been assisted in marking their ballots shall be kept by the Clerks keeping the poll lists, and shall be returned and preserved as the Poll Lists are returned and preserved. As amended March 23, 1893. (Approved March 28, 1895.)

Ballots Without Number First Being Removed Not to Be Deposited in Ballot Box.

Sec. 1209. No member of the Board of Election shall deposit in the ballot-box any ballot from which the slip containing the number of the ballot has not been removed by the Inspector. (In effect July 1, 1891.)

Sample Ballots and Cards of Instruction.

Sec. 1210. The County Clerk of each county, or, in case of separate city or town elections, the clerk or secretary of the legislative body of such city or town, shall cause to be printed, on plain white paper, without watermark, at least as many copies of the form of ballots provided for use in each voting precinct as there shall be registered voters in such precinct. Such copy shall be

designated "sample ballot" upon the face thereof. Said clerk or secretary shall commence to mail the same, postage prepaid, to registered voters not more than twenty-five, nor less than ten days before the day fixed by law for such election, and shall have all of the same mailed at least seven whole days before the day of election; provided, that not more than one sample ballot shall be furnished to any one voter; and further, provided, that for any general election the number of sample ballots printed shall not exceed the total registration by more than fifteen per cent of such registration. Such clerk or secretary shall also enclose in the envelope with each of said ballots a card stating the location of the precinct polling place of each elector. Only official matter shall be sent out in such envelope. Such clerk or secretary shall cause to be printed in large, clear type, on cards, instructions for the guidance of electors in obtaining and marking their ballots, and he shall furnish twelve such cards to the Board of Election in each election precinct in his county, at the same time and in the same manner as the printed ballots and sample ballots. The Board of Election shall post at least one of such cards in each booth or compartment provided for the preparation of ballots, and not less than three of such cards at other places in and about the polling place, on the day of election. Sections 1214 and 1215 of this Code, and Section 61 of the Penal Code, shall also be printed on each of said cards. (Amended March 20, 1899; April 12, 1911; January 9, 1912; June 14, 1913; May 26, 1915.)

Rules for Counting.

Sec. 1211. 1. In canvassing the votes any ballot which is not marked by the elector as provided by law shall be void; but such ballot must be preserved and returned with the other ballots; provided, however, that two or more impressions of the voting stamp in one voting square, or a cross (X) made partly within and partly without a voting square or space shall not make such ballot void. Any name written upon a ballot shall be counted for such name for the office under which it is written; provided, it is written in the blank space therefor, whether or not a cross (X) is stamped, or made with pen or pencil, in the voting square after the name so written.

2. If a voter marks more names than there are persons to be elected to an office, or if, for any reason, it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office.

3. If a voter stamps in the voting square after the name of any candidate and also writes the name of a person for such office in the blank space, such act does not invalidate his ballot, but his vote shall not be counted for any person for that office, but as to all other offices the ballot must be counted for the candidates opposite whose names the ballot is stamped in the voting squares.

4. No mark upon a ballot which is unauthorized by this act shall be held to invalidate such ballot, unless it shall appear that such mark was placed thereon by the voter for the purpose of identifying such ballot. (Amended March 14, 1903; March 20, 1911; May 26, 1915.)

Two Hours Allowed Employees on Election Day.

Sec. 1212. Any person entitled to vote at a general election held within this State, shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged, or employed, for the period of two consecutive hours, between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages. (In effect July 1, 1891.)

False Nominations.

Sec. 1213. No person shall falsely make, or fraudulently deface or destroy any certificate of nomination, or any part thereof; or file any certificate of nomination, knowing the same or any part thereof to be falsely made; or suppress any certificate of nomination which has been duly filed, or any part thereof, or to make, use, keep, or furnish to others, except as in this Code so directed, any paper watermark in imitation of ballot paper, or disclose the same to any person not engaged in making, printing or distributing of ballot paper or ballots. (In effect July 1, 1891.)

Removal of Supplies, Etc., Prohibited.

Sec. 1214. No person shall, during an election, remove or destroy any of the supplies or other conveniences placed in the voting booth or compartments, as provided in this Code, for the purpose of enabling the voter to prepare his ballot. No person shall, during an election, remove, tear down, or deface the cards printed for the instruction of voters. (In effect July 1, 1891.)

Disclosing Name of Candidate, Electioneering.

Sec. 1215. No officer of election shall disclose to any person the name of any candidate for whom any elector has voted. No officer of election, nor any person, shall do any electioneering on election day within one hundred feet of any polling place. Unless otherwise provided by law no person shall remove any ballot from any polling place before the closing of the poll. Unless otherwise provided by law no person shall apply for or receive any ballot at any election precinct other than that in which he is entitled to vote. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name or names of the candidate or candidates for whom he has marked his ballot; nor shall any person, except a member of the board of election, receive from any voter a ballot prepared by such voter, or examine such ballot, or solicit the voter to show the same. No person shall ask another at a polling place for whom he intends to vote. Unless otherwise provided by law no voter shall receive a ballot from any other person than one of the election officers; nor shall any other person than an election officer, or other officer authorized by law so to do, deliver a ballot to such voter. No voter shall deliver to the board of election, or to any member thereof, any ballot other than the one he has received from the election officer or other officer duly authorized by law to furnish him with such ballot. No voter shall place any mark upon his ballot by which it may be afterwards identified as the one voted by him. No person shall solicit a vote or speak to a voter on the subject of marking his ticket within one hundred feet of the polling place. (Amended July 1, 1891; June 14, 1913.)

Registrar of Voters and Board of Election Commissioners.

Sec. 1216. In all counties and cities and counties in this State, having a Registrar of Voters and a Board of Election Commissioners, the powers conferred and the duties imposed by this Code upon the County Clerks and other officers, in relation to matters of election and polling places, shall be exercised and performed by such Registrar of Voters, and Board of Election Commissioners; and all certificates of nomination, nomination papers or election papers required by this Code or by the law to be filed with or presented to the County Clerk, shall be filed with or presented to the Registrar of Voters; and the deputies or clerks in the office of the Registrar of Voters, or the Election Commission, shall have all the powers of the deputies of the County Clerk in matters relating to elections; *provided, however*, that in all counties and cities and counties in this State having a Registrar of Voters, but no Board of Election Commissioners, other than the Board of Supervisors acting as such ex-officio, the powers and duties imposed by this Code or the laws of this State upon County Clerks in relation to matters of election and polling places, shall be exercised and performed by such Registrar of Voters, and all certificates of nomination, nomination papers and election papers required by this Code or by the law to be filed with or presented to the County Clerk shall be filed with or presented to the Registrar of Voters and the deputies and clerks in the office of the Registrar of Voters shall have all the powers of the deputies of the County Clerk in matters relating to elections. (Amended May 1, 1911; June 9, 1915.)

When Voting Commences.

Sec. 1224. Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain open.

Manner of Voting.

Sec. 1225. The person offering to vote must hand his ballot to the Inspector, or to one of the Judges acting as Inspector, and announce his name and the number affixed to it on the register in use at the precinct where he offers his vote; provided, that in incorporated cities and towns the said person shall also give the name of the street, avenue, or location of his residence, and the number thereof, if it be numbered, or such clear and definite description of the place of such residence as shall definitely fix the same.

Announcement of Voter's Name, Etc.

Sec. 1226. The Inspector, or Judge acting as such, must receive the ballot, and before depositing it in the ballot-box must, in an audible tone of voice, announce the name and register number; provided, that in incorporated towns and cities the said Inspector, or Judge acting as such, shall also announce the residence of the person voting, and the same shall be recorded on the poll list by the Poll Clerk.

Placing Ballot in Box.

Sec. 1227. If the name be found on the register in use at the precinct where the vote is offered, and the vote is not rejected upon a challenge taken, the Inspector, or Judge acting as such, must, in the presence of the Board of Election, place the ballot, without opening or examining the same, in the ballot-box; and no person shall be allowed to vote whose name is not on said register in use at the precinct.

Record That Person Has Voted, How Kept.

Sec. 1228. When the ballot has been placed in the box, one of the Judges must write the word "voted" opposite the number of the person on the printed copy of the register.

Poll List.

Sec. 1229. Each Clerk must keep a list of persons voting, and the name of each person who votes must be entered thereon, and numbered in the order of voting.

Grounds of Challenge.

Sec. 1230. A person offering to vote may be orally challenged by any elector of the county upon either or all of the following grounds:

1. That he or she is not the person whose name appears on the register.
2. That he or she has not resided within the State one year next preceding the election.
3. That he or she has not been a naturalized citizen of the United States for ninety days prior to the election.
4. That he or she has not resided within the county for ninety days preceding the election.
5. That he or she has not resided within the precinct for thirty days next preceding the election.
6. That he or she has before voted that day.
7. That he or she has been convicted of an infamous crime.
8. That he or she has been convicted of the embezzlement or misappropriation of public money.
9. That he or she can not read as required by the constitution, and does not appear by statement in the affidavit of registration to be entitled to vote notwithstanding such inability. (Amended May 27, 1913.)

Proceedings on Challenge for Want of Identity.

Sec. 1231. If the challenge is on the ground that he is not the person whose name appears on the Great Register, the Inspector must tender him the following oath:

"You do swear (or affirm) that you are the person whose name is entered on the Great Register."

Proceedings on Challenge for Non-Residence in State.

Sec. 1232. If the challenge is on the ground that he has not resided in the State for one year next preceding the election, the person challenged must be sworn to answer question, and, after he is sworn, the following questions must be propounded to him by the Inspector:

1. Have you resided in this State for one year immediately preceding this election?
2. Have you been absent from this State within one year immediately preceding this election? If yes, then,
3. When you left, did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?
4. Did you, while absent, regard this State as your home?
5. Did you, while absent, vote in any other State?

And such other questions as may be necessary to a determination of the challenge. (In effect April 16, 1880.)

Proceedings for Challenge for Non-Residence in Precinct.

Sec. 1233. If the challenge is on the ground that he has not resided in the county for ninety days, or precinct for thirty days next preceding the election, the person challenged must be sworn to answer questions, and, after he is sworn, the following questions must be propounded to him by the Inspector:

1. When did you last come into this county or election precinct?
2. When you came into this county or precinct did you come for a temporary purpose merely, or for the purpose of making it your home?

3. Did you come into this county or precinct for the purpose of voting here?

And such other questions as may be necessary to a determination of the challenge. (In effect April 16, 1880.)

Proceedings for Challenge for Having Voted Before.

Sec. 1234. If the challenge is on the ground that the person challenged has before voted that day, the Inspector must tender to the person challenged this oath:

"You do swear (or affirm) that you have not before voted this day."

Proceedings for Conviction of Infamous Crime.

Sec. 1235. If the challenge is on the ground that the person challenged has been convicted of an infamous crime, or that he or she has been convicted of the embezzlement or misappropriation of public money, he or she must not be questioned, but the fact may be proved by the production of an authenticated copy of the record, or by the oral testimony of two witnesses. If the challenge is on the ground that the person challenged can not read as required by the constitution, and it does not appear by the statement in the affidavit of registration that said person is entitled to vote notwithstanding such inability, the challenge shall be determined by the board by the inspection of the said affidavit, and by requiring the person offering to vote (if it does not appear from said affidavit that the person is entitled to vote notwithstanding such inability) to read any consecutive one hundred words of the constitution of the State selected by the judges. (Amended May 27, 1913.)

Challenges, How Determined.

Sec. 1236. Challenges upon the ground either:

1. That the person challenged is not the person whose name appears on the Great Register:

2. That the party has before voted on that day
—are determined in favor of the party challenged by his taking the oath tendered.

Challenge on the Ground That He Is Not the Person Whose Name Is on the Register.

Sec. 1237. If the challenge is on the ground that the person challenged is not the person whose name appears on the Great Register, he must take the oath tendered by the Board. Challenges for causes other than those specified in the preceding Section must be tried and determined by the Board of Election at the time of the challenge. (In effect April 16, 1880.)

If Person Refuses to Be Sworn, Vote to Be Rejected.

Sec. 1238. If any person challenged refuses to take the oaths tendered, or refuses to be sworn and to answer the questions touching the matter of residence, he must not be allowed to vote.

Rules for Determining Question of Residence.

Sec. 1239. The Board of Election, in determining the place of residence of any person, must be governed by the following rules, as far as they are applicable:

1. That place must be considered and held to be the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning;

2. A person must not be held to have gained or lost residence by reason of his presence or absence from a place while employed in the service of the United States, or of this state, nor while engaged in navigation, nor while a student of any institution of learning, nor while kept in an almshouse, asylum, or prison;

3. A person must not be considered to have lost his residence who leaves his home to go into another state, or precinct in this state, for temporary purposes merely, with the intention of returning;

4. A person must not be considered to have gained a residence in any precinct into which he comes for temporary purposes merely, without the intention of making such precinct his home;

5. If a person remove to another state with the intention of making it his residence, he loses his residence in this state;

6. If a person remove to another state with the intention of remaining there for an indefinite time, and as a place of present residence, he loses his

residence in this state, notwithstanding he entertains an intention of returning at some future period;

7. The place where a man's family resides must be held to be his residence; but if it be a place for temporary establishment for his family, or for transient objects, it is otherwise;

8. If a man have a family fixed in one place, and he does business in another, the former must be considered his place of residence; provided, that any man having a family, and who has taken up his abode with the intention of remaining, and whose family does not so reside with him, must be regarded as a resident where he has so taken up his abode;

9. The residence of the husband is the residence of the wife except in the case mentioned in the proviso in subdivision eight hereof;

10. The mere intention to acquire a new residence, without the fact of removal, avails nothing, neither does the fact of removal, without the intention. (Amended May 26, 1915; May 11, 1917.)

TERMS OF RESIDENCE, HOW COMPUTED.

Sec. 1240. The term of residence must be computed by including the day on which the person's residence commenced, and by excluding the day of election.

RULES MUST BE READ, IF REQUESTED.

Sec. 1241. Before administering an oath to a person touching his place of residence, the Inspector must, if requested by any person, read to the person challenged, the rules prescribed by Sections 1238 and 1239.

LIST OF CHALLENGES MUST BE KEPT.

Sec. 1243. The Board must cause one of the Clerks to keep a list, showing:

1. The names of all persons challenged.
2. The grounds of such challenges.
3. The determination of the Board upon the challenge.

CANVASS TO BE PUBLIC, AND WITHOUT ADJOURNMENT.

Sec. 1252. As soon as the polls are finally closed the Judges must immediately proceed to canvass the votes given at such election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof is declared.

CANVASS BY COUNTY CLERK OR REGISTRAR OF VOTERS.

Sec. 1252a. Whenever the board having charge and control of an election in any city, county or city and county shall adopt a resolution by a majority vote of said board, at least twenty-five days before the holding of an election at which candidates for public office are to be voted for within this state or any political subdivision thereof, that the ballots cast at such an election shall be counted in the manner provided for in this section; such resolution shall be entered in the minutes of said board, and then, and in that event, unless the provisions of a freeholders' charter shall provide a mode or method for counting the ballots cast at such an election, the ballots cast at such an election shall be counted in the manner provided in this section. The respective precinct boards to hold and conduct such an election at the polling places, and also the counting boards to count the ballots cast at such election shall be appointed and constituted pursuant to the provisions of this section.

The board having charge and control of such election shall pursuant to the provisions of section one thousand one hundred forty-two of the Political Code, so far as applicable, select and appoint for each election precinct a precinct board of election officers to hold and conduct such election at the polling place in each respective precinct for which such board is appointed. Such boards to hold such election at such polling places shall each consist of four persons, one inspector, one judge and two clerks, who shall perform all the duties required by law at such polling place except as in this section provided, and such board of election officers shall, except as in this section provided, have all the powers provided for by the board of elections appointed pursuant to the provisions of section one thousand one hundred forty-two of the Political Code, and each member of such election board shall have the same powers that he, or she, respectively, would have if such board and its members had been appointed pursuant to the provisions of section one thousand one hundred forty-two of the Political Code, except as in this section provided. In constituting such precinct election boards, the county clerk, registrar of voters or clerk having charge and control of the election shall have power to excuse persons appointed, whenever satisfied any such person ought to be excused, and to substitute new

appointees in all cases when any person appointed shall be excused or found disqualified or incompetent down to a time when said county clerk, registrar of voters or clerk having charge and control of said election shall send a final or amended list of such election officers to the inspector, for the precinct, which list shall be the final order of appointment for such precinct and such appointments shall be in the form prescribed in this act, and in addition shall have at the head thereof the words in capitals "FINAL PRECINCT LIST OF ELECTION OFFICERS." The county clerk, registrar of voters or clerk having charge and control of the election, shall perform all the duties which he would be required to perform if said board had been appointed pursuant to the provisions of section one thousand one hundred forty-two of the Political Code except or unless otherwise provided by this section.

When the ballots cast at any election are to be counted under the provisions of this section, then, and in such event, the ballots cast at any given precinct shall not be counted at the polling place, but as soon as the polls are closed the precinct election officers shall not open the ballot box, except as necessary to close the mouth of the box and see that the ballot box is securely locked, without any ballot being removed, or added, or opened, and seal the ballot box and separately seal the key in the manner provided by printed instructions from the county clerk, registrar of voters or clerk having charge and control of the election, in the presence of the public, and as soon as said election officers have certified, signed and sealed the several packages or envelopes as required by law, such ballot box and key, and packages shall be sent by not less than two of said precinct election officers to the office of the county clerk, registrar of voters or clerk of the board having charge and control of the said election; and until so delivered it shall be unlawful when conveying the same to allow any other person or persons to have possession of said ballot box or key, or packages, or any thereof. Such officers so sent with such ballot box and key and packages shall proceed as continuously as possible to the office of the county clerk, registrar of voters or clerk of the board having charge and control of said election, or to the place where the said ballots are to be counted. Immediately upon the delivery of such ballot box to the county clerk, registrar of voters or clerk of the board having charge and control of the said election, or the proper deputy of any of these respective officers, said county clerk, registrar of voters or clerk of the board having charge and control of such election, shall cause each such box to be plainly labeled with the correct number or designation of the precinct in which such ballots were cast.

The board having charge and control of the election, or officer authorized thereto, whenever such board shall by resolution entered in its minutes, authorize and empower the county clerk, registrar of voters or clerk of the board having charge and control of such election so to do, shall, as the case may be, in such manner as it, or he, shall deem best calculated to provide competent persons therefor, select and provide as many persons, as it or he may deem necessary for the counting, tallying and certifying of the returns of the vote cast in each precinct at such election, and such persons shall have the qualifications required for election officers at state elections, save that all persons who are deputies or employees of the board having charge and control of elections, or the county clerk, or the registrar of voters, or clerk of the board having charge and control of such election, or who report for service from the civil service list of the city, or county, or city and county or local subdivision where such election is held, shall, upon requisition for such duty, if not a candidate at such election, be qualified, and save that none of the persons so selected need reside in any particular precinct. The persons so selected and provided shall assemble at the place provided by the board having charge and control of the counting of the ballots cast at such election upon the evening of such election day, at an hour and time to be designated by notice to be served by the county clerk, registrar of voters or clerk of the board having charge and control of such an election, and shall there be segregated by the county clerk, registrar of voters, or clerk of the board having charge and control of said election, or his deputy or deputies, into counting boards, respectively, to consist of three persons each; each such selected counting board shall proceed to count and tally such ballots by precincts, separately, under the direction of the county clerk, registrar of voters or clerk of the board having charge and control of such election, or his deputies, or such superintendents as such county clerk, registrar of voters or clerk of the body having charge and control of said election, may choose for that purpose and shall count, tally and certify such returns in the same manner provided by law for counting, tallying and certifying ballots at state elections, except as in this section otherwise provided.

The form of tally sheets shall be provided and determined as to form by the county clerk, registrar of voters or clerk of the body having charge and control of such election, and there shall be a certificate at the end thereof to the effect that the foregoing is the correct result of the election in such precinct as to each and all candidates voted for, and all propositions voted upon at such election, and such certificate shall be signed by the three persons who completed such tally list and return.

The county clerk, registrar of voters or clerk of the body having charge and control of said election, shall have charge over said counting boards during the entire time of such counting and he, or any deputy empowered by him so to do, may excuse or dismiss any person from any such counting board and enforce such order, and shall substitute any person so provided as hereinbefore required, or, if enough have not been provided, then any competent and qualified additional person necessary to such work, to be provided by such county clerk, registrar of voters or clerk of the body having charge and control of said election at the time when such substitution becomes necessary, shall be substituted in the place of any person so excused or dismissed or any person who absents himself from said counting board or table. Any person acting on any such counting board who refuses to obey any lawful order of the county clerk, registrar of voters or clerk of the board having charge and control of said election, or his deputy, shall be guilty of a misdemeanor, unless thereby guilty of a higher crime under the laws of this state.

The tally sheets shall be in duplicate, kept by two clerks. One copy upon the completion thereof shall be sealed in an envelope and signed across the flap in the manner provided by the laws of the State of California for sealing tally lists at state elections where votes are counted in the precincts, and the other tally list shall remain open for inspection in the office of the county clerk, registrar of voters or clerk of the body having charge and control of the said election, for the period of six months from the date of said election. The returns so sealed shall be securely kept by the county clerk, registrar of voters or clerk of the body having charge and control of the said election, in the same manner as if said returns had been counted at the election precinct, and returned to such county clerk, registrar of voters or clerk of the body having charge and control of such election, pursuant to the laws of the State of California, and be so securely kept until produced before the board having charge and control of such election for official canvass in the manner provided by law.

The board having charge and control of such election shall, upon the recommendation and report of the county clerk, registrar of voters or clerk of the body having charge and control of such election, fix the compensation to be paid to each member of such respective counting boards for counting, tallying, completing and certifying such votes and returns, which compensation shall not exceed five cents to each member of such board, respectively, for each ballot so counted, tallied, completed and certified and such claims and demands when certified or allowed by the said board having charge and control of said election shall be audited by the auditor wherever the compensation of election officers is required to be audited, and shall be paid by the treasurer of the city, or county, or city and county, or political subdivision in which such election is held, from the general fund, or any moneys applicable to the payment of such claims, in the same manner that the compensation of election officers is required to be paid to those election officers who have been appointed in accordance with law and certified as election officers at the respective precincts at such an election, and except as in this section otherwise provided, all the provisions of the laws of the State of California, both civil and penal, applicable to state elections or to precinct election officers at state elections shall apply to such election and to such election officers and to the persons acting on any of said counting boards, and all such laws of the state, civil and penal, except as herein otherwise provided, relating to the official counting and canvass and declaration of the result of state election returns shall apply to the counting, tallying, certifying, sealing and official canvass and declaration of the result of such election and to all the returns of such election counted and returned under the provisions of this section. All the powers of precinct election boards and of the respective members thereof shall be exercised by the precinct election boards and appointed pursuant to the provisions of this section, and all such election boards shall perform all the duties which they would be required to perform under the laws of the State of California if they had been appointed pursuant to the provisions of section one thousand one hundred forty-two of the Political Code, except as in this section provided, and such precinct election boards and their respective members shall be liable to all the liabilities and penalties to which they would

be liable if appointed pursuant to the provisions of section one thousand one hundred forty-two of the Political Code, except as otherwise provided in this section, and the said counting board by this section authorized shall be deemed to be boards of election officers of the said election and such boards and the members thereof shall perform all the duties with regard to counting such votes provided by the laws of the State of California as to state elections in the same manner as if said votes were being counted at the precincts where polled, pursuant to the laws of this state, except as in this section otherwise provided, and said counting board and all its members shall be subject to all the liabilities and penalties to which election precinct boards or the members thereof are subject when appointed pursuant to section one thousand one hundred forty-two of the Political Code, to count and certify the said votes and return the same from the precincts where the same were polled, except as otherwise provided in this section.

The board having charge and control of such election shall, by order entered in its minutes, specify the place where the ballot boxes and the ballots of said election shall be brought by the persons of this section authorized to so bring such ballots, which shall be the place where such ballots shall be counted, which must be a public place, and the said ballot boxes and ballots shall be so brought to such place and be at such place counted, tallied and certified in the manner provided by this section and such place shall be specified by such order at least ten days prior to the holding of said election, and the board having charge and control of said election shall cause notice of the selection of such place to be published at least once in a newspaper of general circulation in the county, city or city and county, where such election is to be held, or, if there be no such newspaper, shall cause such notice to be prominently posted in the office of the county clerk, registrar of voters or clerk of the body having charge and control of such election, and the place where such votes shall be counted shall be open to the public, and said counting must be in the presence of the public, and in the presence of bystanders, and must be continuous and without adjournment until completed and the result thereof tallied, certified and returned as by this section or law required and any candidate shall be entitled to have a representative among such bystanders. (Approved June 2, 1921.)

Canvass—How Commenced.

Sec. 1253. The canvass must be commenced by taking out of the box the ballots, unopened, except so far as to ascertain whether each ballot is single, and counting the same to ascertain whether the number of ballots corresponds with the number of names on the list of voters kept by the clerks. (Approved May 7, 1919.)

Double Ballots.

Sec. 1254. If two or more separate ballots are found so folded together as to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed; then, if upon comparison of the count with the number of names of electors on the lists which have been kept by the Clerks, it appears that the two ballots thus folded together were cast by one elector, they must be rejected. (Approved March 30, 1874.)

Excess of Ballots.

Sec. 1255. The ballots must be immediately replaced in the box, and if the ballots in the box exceed in number the names on the lists, one of the Judges must publicly, and without looking in the box, draw out therefrom singly, and destroy, unopened, a number of ballots equal to such excess; and the Board of Election must make a record, upon the poll list, of the number of ballots so drawn and destroyed. (Approved March 30, 1874. Amended March 18, 1895.)

Poll Lists to Be Signed and Attested.

Sec. 1256. The number of ballots agreeing or being thus made to agree with the number of names on the lists, the lists must be signed by the members of Board and attested by the Clerks, and the number of names thereon must be set down in words and figures at the foot of each list, and over the signatures of the Judges and the attestation of the Clerks, substantially in the form prescribed in Section 1174.

Ballots—How Counted and Disposed Of.

Sec. 1257. After the lists are thus signed, the Board must proceed to open the ballots, and count and ascertain the number of votes cast for each

person voted for. At all elections where a general ticket and a municipal ticket are used, the canvass of the general ticket shall be completed before the canvass of the municipal ticket is commenced. All ballots rejected for illegality must have indorsed upon the ballot the cause of such rejection and signed by a majority of the Election Board, and thereafter strung upon a string. (Approved March 20, 1899.)

Sec. 1257a. The election officers shall not constitute themselves into separate squads in an attempt to conduct more than one count of the ballots at the same time, nor shall such election officers make any tally of votes in any other manner than is provided in section one thousand two hundred fifty-eight of this code, nor in any other place than in the tally books provided for that purpose. As each ballot is read, at least one election officer besides the officer reading or calling such ballot shall sit beside such officer so reading or calling and keep watch of each vote thereon, to help keep a check on any possible illegal vote or on any error or omission on the part of the officer reading or calling such ballot. The provisions of this section and of section one thousand two hundred fifty-two and one thousand two hundred fifty-eight of this code must be furnished to each election officer by the county clerk or registrar of voters and must be posted in a conspicuous place on the booth or place where such election precinct is located as a portion of the matter to be contained on the cards provided for in section one thousand two hundred ten of the Political Code. (Approved June 1, 1923.)

Tally Sheet, How Kept.

Sec. 1258. Each clerk must write down each office to be filled, and the name of each person marked in each ballot as voted for to fill such office, and keep the number of votes by tallies, as they are read aloud. Such tallies must be made with pen and ink or indelible pencil as the name of each candidate voted for is read aloud from the respective ballots, and immediately upon the completion of the tallies the clerks who respectively complete the same must draw two heavy lines in ink or indelible pencil from the last tally mark to the end of the line in which such tallies terminate, and also write the initials of the person making the last tally in such line. The ballot so read and the tally sheet so kept, must, during the reading and tallying, be within the clear view of watchers at the count. (Amended March 28, 1895; June 14, 1913; April 7, 1919.)

Ballots to Be Strung and Enclosed in Sealed Envelope.

Sec. 1259. The ballot, as soon as the names marked on it as voted for are read and verified, must be strung on a string by one of the judges, and must not thereafter be examined by any person, but must, as soon as all are counted, be carefully sealed in a strong envelope, each member of the Board writing his name across the seal. (Approved March 20, 1899.)

Signing and Attesting Tally Lists.

Sec. 1260. As soon as all the votes are counted and the tickets sealed up, lists must be attached to the tally lists containing the names of the persons voted for and for what office, and the number of votes given for each candidate, the number being written at full length, and such lists must be signed by the members of the Board and attested by the Clerks, substantially in the form in Section 1174 given.

Returns to Be Sealed—Post Copy of Result, and Return a Copy to Registrar.

Sec. 1261. The board must, before it adjourns, inclose in packages which must be sealed and directed to the county clerk, or the registrar of voters if there be one, in their county, or city and county, the hereinafter designated supplies and records of the election. In one package shall be inclosed one tally list, one poll list, the challenge list, the death and removal list, one list of assisted voters, and all affidavits of election officers assisting voters; in one package shall be inclosed the roster of voters, one tally list, one poll list, and one list of assisted voters; in one package shall be inclosed the spoiled, cancelled and unused ballots; and in one package shall be inclosed the voted ballots. The register shall be returned separately in a sealed envelope to the county clerk; **provided, however,** that the county clerk may open such envelope upon receipt thereof at the office of such county clerk.

The board must also immediately transmit, unsealed to the county clerk, a copy of the result of the votes cast at the polling place, which copy must be signed by the members of the board, and which shall be open to the inspection of the public.

The board must also, before it adjourns, post conspicuously, on the outside of the polling place, a copy of the result of the votes cast at such polling place, which copy shall be signed by the members of the board.

It shall be a misdemeanor for any person to remove or deface such posted copy of the result or to delay or change the copy to delivered to the county clerk. (Approved June 15, 1923.)

Additional Poll and Tally List to Be Filed With Registrar and Kept Open for Inspection for Six Months.

Sec. 1262. The other list of voters, tally list, and list attached thereto must be sent to the County Clerk or Registrar, and retained by him open to inspection of all electors for at least six months. (In effect July 6, 1874. Amended May 27, 1913.)

Sealed Packages to Be Delivered by Board or Member Agreed Upon.

Sec. 1263. The sealed packages containing the register, lists, papers, and ballots, must, before the Board adjourns, be delivered to one of its number, to be determined by lot unless otherwise agreed upon.

Sealed Packages Must Be Delivered to Registrar Within Three Hours From

Time of Adjournment of Board.

Sec. 1264. The member to whom such packages are delivered, must, without delay, deliver such packages without their having been opened, to the County Clerk, nearest postmaster, or sworn express agent, who shall endorse on such packages the name of the party delivering them, and date of such delivery. If delivered to a postmaster or express agent, such postmaster or express agent shall forward the packages by the first mail or express to the county seat. In the City and County of San Francisco, such packages must be delivered to the Registrar of Voters within three hours from the time of adjournment of the Board, which time of adjournment must be endorsed upon such package, and upon each poll list, in ink or indelible pencil, and signed by a majority of the members of such Board. In the City and County of San Francisco the packages must be put up and sealed in the following manner, by an Inspector, and at least three other members of the Board, and be signed with their respective signatures across (flap) the same written:

One package to contain the voted ballots only; one package to contain one poll and tally list only; one package to contain the precinct registers only; one package to contain index to register, list of voters challenged, and list of assisted voters; and one package to contain the unused ballots. (Amended March 23, 1893; March 18, 1905; July 30, 1921.)

Sealing of Packages in San Francisco.

Sec. 1264a. The Board of Election must, before it adjourns, enclose in a cover and seal up and direct to the County Clerk or to the Registrar of Voters, in counties or cities and counties in this State having a Registrar of Voters, the roster of voters and such sealed package containing such roster of voters must be delivered to that one of its members who has been selected to deliver the other sealed packages required by law. This member must, without delay, deliver the package containing the roster of voters without its having been opened in the same manner and to the same persons and officials as he is required by law to deliver the other sealed packages entrusted to him by said Board. All rosters of voters must be kept in the office of the County Clerk or in the office of the Registrar of Voters in counties and cities and counties having a Registrar of Voters, as a public record, for a period of one year and when received by such County Clerk or Registrar of Voters, all packages containing such rosters of voters shall be unsealed and such rosters of voters shall at all times be open to the inspection of any citizen. The provisions of this section shall apply to all rosters of voters whether used at elections or primary elections. (Approved March 21, 1905.)

Duty of Clerk on Receipt of Packages.

Sec. 1265. On receipt of the packages the Clerk must file the one containing ballots, and must keep it unopened and unaltered for twelve months, after which time, if there is not a contest commenced in some tribunal having jurisdiction about such election, he must burn the package without opening or examining its contents; provided, however, that after the time limited for a contest, and in the event any contests have been commenced, then after said ballots have been opened and counted by the Superior Court in said contests,

a Judge of the Superior Court of the county wherein said ballots were voted may order said packages to be opened for inspection in any case being tried in his court where he has jurisdiction of the same, whenever he shall deem it necessary to inspect the ballots contained in said packages in order to produce testimony to establish the proof of any material issue of fact arising in the course of the trial of said case. In no event shall the said packages, or any of them, or the ballots contained therein, be taken from the custody of the County Clerk. Whenever said packages, or any of them, shall have been inspected and examined, and a record made of the testimony therein contained, the same shall be restored to the exclusive control and custody of the County Clerk, who shall reseal the packages with the ballots contained therein, and keep the same until he shall burn them, in accordance with the direction of this section; provided, further, that if in any Congressional district within this State there has been or shall be filed a contest of the election of any person declared to have been elected a member of Congress, and the County Clerk or Registrar of Voters in any county, or city and county, be notified by the contestant, that such Congressional election contest is pending, then and in that case such County Clerk or Registrar of Voters shall not destroy the ballots in that county, or city and county, or in the part or portion thereof within such Congressional district in which such contest is pending, until the final determination of such contest before the House of Representatives of the Congress of the United States; and such County Clerk or Registrar of Voters shall hold such ballots in his custody subject to the inspection of any committee of the House of Representatives or sub-committee thereof, having in charge the investigation of such contest, and shall produce such ballots for examination before any such committee of the House of Representatives or sub-committee or before any commissioner designated by such Congressional committee or sub-committee or before any officer designated by Act of Congress and duly selected to take depositions and proof of any such contest of the election of any person to Congress. (Approved February 27, 1903.)

When Packages Containing Ballots May Be Destroyed.

Sec. 1266. If within twelve months there is such a contest commenced, he must keep the package unopened and unaltered until it is finally determined when he must, as provided in the preceding section, destroy it, unless such package is, by virtue of an order of the tribunal in which the contest is pending, brought and opened before it, to the end that evidence may be had of its contents, in which event the package and contents are in the custody of such tribunal.

Canvassing Returns.

Sec. 1267. The other package the Clerk must produce before the Board of Supervisors, when it is in session, for the purpose of canvassing returns.

Clerk Must File Copy of Register Returned.

Sec. 1268. As soon as the returns are canvassed the Clerk must take the copy of the register returned and file it in his office.

Canvass of Returns—When Board Shall Meet.

Sec. 1278. The Board of Supervisors of each county must meet at their usual place of meeting, on the first Monday after each election, to canvass the returns. (Approved March 15, 1887.)

Canvass, How and Where Conducted.

Sec. 1280. If, at the time of the meeting, the returns from each precinct in the county in which polls were opened have been received, the board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until all of the returns are received, or until six postponements have been had. In any county or city and county where the number of election precincts in said county or city and county exceed five hundred, said board may appoint several sets of clerks to perform the clerical work of the canvass and to assist in canvassing said returns; and said several sets of clerks so appointed may, under the order and direction of said board, do and perform such work in the canvassing of such returns simultaneously. Such canvass may be made at such place in the county or city and county as the board may by order entered in its minutes designate and declare to be a necessity; provided, that where it shall be made at a place other than the usual place of meeting of such board, the place shall be open to the public and the canvass must be made in public, and the said board shall

cause public notice to be posted at the usual place of meeting of said board in a conspicuous place for at least three (3) days before the time for making such canvass, and during all the time while such canvass is being made, which notice shall state clearly and fully the designation and description of the place where such canvass will be made and conducted. (Amended December 23, 1911.)

Canvass Continued Daily Not Less Than Six Hours Each Day.

Sec. 1281. The canvass must be made in public, and by opening the returns and estimating the vote of such county or township for each person voted for, and for and against each proposition voted upon at such election, and declaring the result thereof; and such count must be continued daily, Sundays and holidays excepted, and for not less than six (6) hours each and every day until completed. (Approved March 4, 1899.)

Returns Incomplete or Ambiguous, May Cause Subpoenas Issued.

Sec. 1281a. If it shall appear that the returns from any precinct or precincts are incomplete, or ambiguous, or are not properly authenticated, or are otherwise defective, the Board of Supervisors, or Canvassing Board, or Election Commission may cause subpoenas to be issued and served, requiring the attendance before it of the election officers of such precinct or precincts and upon the appearance before it of the election officers or three-fourths of them from any such precinct or precincts, may examine such election officers under oath concerning the manner in which the votes were counted in such precinct at such election, and the result of such count, and may require such election officers then and there to correct or complete such returns or the authentication thereof so that they shall truly show the votes that were cast in said precinct at such election for each candidate voted for and for or against each proposition voted upon thereat. Nothing herein shall be construed to authorize the opening of ballots except as provided by law. (Amended June 16, 1913.)

Statement of Result to Be Entered in Record.

Sec. 1282. The Clerk of the Board must, as soon as the result is declared, enter on the records of such Board a statement of such result, which statement must show:

1. The whole number of votes cast in the county;
2. The names of the persons voted for, and the propositions voted upon;
3. The office to fill which each person was voted for;
4. The number of votes given at each precinct to each of such persons, and for and against each of such propositions;
5. The number of votes given in the county to each of such persons, and for and against each of such propositions voted upon.
6. Provided, however, that when it appears that the total number of votes cast for any person to fill an office to be filled by the votes of a single county, or subdivision thereof, amounts to less than one per cent of the total number of votes cast for such office, then in that event no record shall be kept of the vote cast for any such person, but all of the votes cast for all of such persons for such office shall be totalled, and such total shall be entered in the statement of the number of votes cast for the several candidates for such office, opposite the word "scattering." (Amended May 26, 1915.)

Board to Declare Result.

Sec. 1283. The Board must declare elected the person having the highest number of votes given for each office to be filled by the votes of a single county or subdivision thereof.

Certificate of Election.

Sec. 1284. The County Clerk must immediately make out and deliver to each of such persons voted for only in that county (except to those persons elected to the office of Representative in Congress, member of State Board of Equalization, Superior Judge, State Senator or Assemblyman), a certificate of election, signed by him, and duly authenticated. (Amended April 16, 1880; May 26, 1915.)

State Returns.

Sec. 1288. When there has been a general or special election for officers chosen by the electors of the State at large, or for judicial officers (except Justices of the Peace), or for members of the State Board of Equalization, or for Representatives in Congress, or for Senators and members of the Assembly, each County Clerk so soon as the statement of the vote of his county is made out and entered upon the records of the Board of Supervisors, must make out a

certified abstract of so much thereof as relates to the votes given or cast for persons for said office to be filled at such election, together with a statement of the whole number of votes cast in the county as specified in Section 1282. Whenever there is a general or special election held within this State, and any proposed constitutional amendment or proposition to be voted for by the electors of the State at large, each County Clerk, so soon as the statement of the vote is made out and entered upon the record of the Board of Supervisors, must make out a certified abstract of such vote. (Amended March 14, 1901; April 23, 1913; April 28, 1915.)

Transmit Abstract of Returns to Secretary of State.

Sec. 1289. The Clerk must seal up such abstract, indorse it "Election Returns," and without delay transmit it by mail or express to the Secretary of State. (Amended April 7, 1911.)

Duty of Secretary of State.

Sec. 1290. On the fortieth day after the day of election, or as soon as the returns have been received from all the counties of the State, if received within that time (except in this Code otherwise provided), the Secretary of State must compare and estimate the vote, and make out and file in his office a statement thereof, and transmit a copy of such statement to the Governor, except in the cases of Senators and members of the Assembly, in which cases, within said time, the Secretary of State shall make out and deliver, or transmit by mail, to the persons elected a certificate of election. (Amended March 14, 1901; April 28, 1915.)

Governor to Issue Commissions.

Sec. 1291. Upon receipt of such a copy, the Governor must issue commissions to the persons who from it appear to have received the highest number of votes for offices, except that of Governor or Lieutenant-Governor, to be filled at such election.

Election for Governor and Lieut.-Governor.

Sec. 1292. When an election has been held to fill the office of Governor or Lieutenant-Governor, the Clerk of each county, in addition to the abstract made for transmission to the Secretary of State, must, as soon as the statement of the vote of his county is made out and entered upon the records of the Board of Supervisors, make two certified abstracts of so much thereof as relates to the vote given for such offices.

Abstract.

Sec. 1293. The Clerk must seal up such abstract separately, and indorse thereon "Election Returns for Governor and Lieutenant-Governor."

Copy to Speaker of Assembly.

Sec. 1294. He must at once direct one copy to "The Speaker of the Assembly next to meet," address it to Sacramento, California, care of the Secretary of State, and deposit it, postpaid, in the postoffice. (Amended April 28, 1915.)

Copy to Member of Legislature.

Sec. 1295. The other copy, he must direct and address in the same manner, and at once deliver it to a member-elect of the Legislature, or to a Senator who holds over; and the person to whom it is so delivered must deliver it to the Speaker on or before the second day next after his election.

Canvass of Returns by Legislature.

Sec. 1296. The return of election for Governor and Lieutenant-Governor, must, during the first week of the session, be opened, canvassed, and the result declared by the Speaker of the Assembly in the presence of both houses.

Defects to Be Disregarded.

Sec. 1297. No declaration of the result, commission, or certificate must be withheld on account of any informality in the return of any election, if it can with reasonable certainty be ascertained from such return what office is intended and who is elected thereto.

**Election for Members of Congress.
United States Senators.**

Sec. 1332. Elections for Senators in Congress for full terms must be held

at the general election, at which members of the Legislature are elected, next preceding the commencement of the term to be filled. (Amended May 27, 1913.)

Election to Fill Vacancy United States Senator.

Sec. 1333. In the event of the happening of any vacancy in the representation of this State in the senate of the United States, the Governor is hereby empowered to appoint and commission an elector of this State, who possesses the prescribed qualifications, to fill such vacancy until the election and qualification of a United States senator in the manner provided by law. Elections to fill a vacancy in the term of a United States senator must be held at the general election or any special election held throughout the State next succeeding the occurrence of such vacancy. (Amended July 29, 1921.)

Secretary Estimate Returns.

Sec. 1336. On the sixtieth day after the day of election, or as soon as the returns have been received from all of the counties of the State, if received within that time, the Secretary of State must compare and estimate the votes given or cast for such persons for Senator, and certify to the Governor the person having the highest number of votes in the State as duly elected. (Approved May 27, 1913.)

Issue Certificate.

Sec. 1337. The Governor must upon the receipt of such certificate transmit to such person a certificate of his election, sealed with the great seal and attested by the Secretary of State. (Approved May 27, 1913.)

Representatives.

Sec. 1343. At the general election to be held in the year eighteen hundred and eighty, and at the general election every two years thereafter, there must be elected for each Congressional district, one Representative to the Congress of the United States.

Secretary of State to Certify to Governor.

Sec. 1346. On the sixtieth day after the day of election, or as soon as the returns have been received from the counties of the State, comprising any one district, if received within that time, the Secretary of State must compare and estimate the votes given or cast for such Representatives, and certify to the Governor the person having the highest number of votes in each Congressional district as duly elected.

Governor to Issue Certificates.

Sec. 1347. The Governor must, upon the receipt of such certificate, transmit to each of such persons a certificate of his election, sealed with the Great Seal and attested by the Secretary of State.

Absent Voters.

Sec. 1357. (a) Any duly registered voter, who, by reason of his occupation is regularly required to travel about the State, and who will be absent from his election precinct on the day on which any primary or general election is held, or who by reason of his being engaged in the military or naval service of the United States or of the State will be absent from his election precinct on the day on which any primary or general election is held, may procure a ballot of his election precinct from the county clerk or registrar of voters of the county or city and county of his residence, and cast said ballot, upon complying with the provisions of this chapter.

(b) Not more than ten days nor less than five days before any of the elections mentioned in this chapter, any such voter may make his application in writing to the county clerk or registrar of voters of the county or city and county of his residence for such ballot, accompanied by his affidavit; which application and affidavit shall be substantially in the following form:

State of California, _____ ; ss.
County of _____ ;

..... being first duly sworn, deposes, and says: I am a resident of county in said state, and a duly registered voter therein. I am by reason of my occupation required to travel about the State of California (or engaged in the military or naval service of the United States, or of the State), and will be absent from my said precinct

on the day of the next ensuing election, I hereby apply for an official ballot of my precinct, to be mailed to me at

(Signature of applicant)

(Home address of applicant)

Subscribed and sworn to before me this..... day of....., 192....

Notary Public (or other officer)

(c) Upon receipt of such application and affidavit within the time mentioned, it shall be the duty of the county clerk or registrar of voters receiving same to deliver to said applicant personally, or by registered mail at the mailing address given in said application, an official ballot of the precinct of said applicant, together with an identification envelope and a return envelope, and a small rubber stamp and stamp pad for marking said ballot; **provided, however,** that before delivering or mailing such ballot and supplies, the county clerk or registrar of voters shall satisfy himself from the affidavit of registration of such voter as to the truth of said affidavit, and may refuse in a proper case to deliver or send said ballot; and **provided further,** that the county clerk or registrar of voters shall not be required to mail a ballot to any address within the city or city and county or town of residence of said applicant and in which the office of said officer is situated. Upon delivering or mailing such ballot the said officer shall enter the number of the ballot and the date of delivering or mailing of same upon the application affidavit of such voter, or upon the affidavit of registration of said voter; and before the election said officer shall send to the inspector of each precinct in his county or city and county a list of the voters in his precinct applying for and receiving ballots under the provisions of this chapter.

(d) Should such voter return to his home precinct on election day, he shall not be allowed to vote until he shall have surrendered to the inspector of the precinct election board the absent voter's ballot, mailed to him, and other supplies with which he may have been furnished. The inspector of election shall return the unused absent voter's ballot with the unused ballots of his precinct.

(e) In case the election for which such voter applies for a ballot is the May presidential primary election such voter shall state in his application affidavit, in addition to the statements set forth in the foregoing affidavit, the name of the political party with which he intends to affiliate in voting for candidates for office at the next ensuing November election, and said voter shall be given the ballot of that political party only with which he thus declares himself affiliated, according to the presidential primary law or acts amendatory thereof or supplemental thereto.

In case such election is the August primary election, the county clerk or registrar of voters shall deliver or mail to said voter a ballot only of such political party with which said voter is registered as intending to affiliate, as shown by his affidavit of registration, if such political party is participating in such election. If said voter is not registered as intending to affiliate with any one of the political parties participating in said primary election, he shall be furnished a non-partisan ballot, and no other.

(f) All supplies mentioned in this chapter and necessary for the use of the voter in preparing and returning his ballot shall be prepared and furnished by the county clerk or registrar of voters of the county or city and county of which such voter is a resident, and no officer shall make any charge for services rendered to any voter under the provisions of this chapter.

1358. The identification envelope and return envelope provided for herein shall be of such form, size and weight as may be necessary and convenient, as prescribed by the county clerk or registrar of voters. The identification envelope shall have printed on its face an affidavit in the following form:

State of California, | ss.
County of

I,, do solemnly swear that I am a resident of and a qualified voter in.....in the city of....., county of....., in said State; that I have not heretofore voted for the election for which I am now casting

my ballot; that I have the legal right to vote at said election, and that I have herein enclosed my ballot for such election, duly marked as required by law in the presence of , a in and for (official title)
..... county, State of California.

(Signature)

(Residence address)

Subscribed and sworn to before me, a in and for county, State of California, this day of , 192....; and I hereby certify that the affiant presented himself before me on the day above named in the city (or town) of , county of , State of California; that he exhibited to me the enclosed ballot and that same was unmarked; that he before me at the same time and place marked his ballot, but in such a manner that I did not see his vote; that he then folded and enclosed said ballot, so marked, in this envelope, which envelope he handed to me sealed; whereupon I wrote or stamped my name across the seal of said envelope and returned said envelope to him to be forwarded by him by registered mail to the county clerk or registrar of voters of the county of , State of California.

(Signed)

....., in and for the
county of ,
State of California.

1359. (a) Any voter applying for and receiving a ballot as hereinbefore provided, and who has not before voted for said election, may, on any day prior to the day of the election for which such ballot is to be voted, appear at the office of the county clerk or registrar of voters of the county or city and county in which such voter resides, and stamp and seal his ballot under the scrutiny of such officer, and in the following manner: The voter shall first display the ballot to such officer as evidence that the same is unmarked, and shall then proceed to mark the ballot in the presence of such officer, but in such manner that such officer is unable to see how the same is being marked, and shall then fold said ballot and enclose the same in the identification envelope. The voter shall then make out and swear to the affidavit printed on the face of such envelope and deliver the same properly sealed to the officer before whom the ballot was marked. Said officer shall certify to the affidavit printed on the identification envelope and enclose said envelope in the return envelope and seal same, and after writing or stamping his name across said seal shall deposit said envelope in a safe place in his office, to be kept by him and thereafter delivered to the proper election board as hereinafter provided, and the certificate of such officer on the identification envelope shall state, in the last sentence thereof, such deposit of such envelope in his office, and not its return to the voter.

(b) In case said voter is absent from the county or city and county of his residence on election day, and has not before voted for said election, he may appear before the clerk or any notary public, of the city, city and county, county or town, within the State of California, in which he may be on said day, and stamp and seal his ballot under the scrutiny of such officer, in the manner hereinabove set forth. Such officer shall then certify to the affidavit printed on the identification envelope, and enclose said envelope in the return envelope and seal same, and, after writing or stamping his name across said seal, shall deliver said envelope to the voter to be by him returned by registered mail to the office of county clerk or registrar of voters, as the case may be, from whom such ballot was received.

(c) In case said voter is engaged in the military or naval service of the United States or of the State and is absent from his county or city and county on election day, and has not before voted for said election, he may appear before the county clerk or registrar of voters, or any notary public of the county or city and county, where he may be, or before any officer authorized for that purpose, and at a place fixed, by the proper military or naval authorities where he may be on said day, and stamp and seal his ballot in the manner

hereinabove set forth. Such officer shall then certify to the affidavit printed on the identification envelope and enclose said envelope in the return envelope and seal same, and, after writing or stamping his name across said seal, shall deliver said envelope to the voter to be by him returned by registered mail to the office of the county clerk or registrar of voters, as the case may be, from whom such ballot was received.

1360. All ballots cast under the provisions of this chapter must, in order that they may be counted, be received by the county clerk or registrar of voters, of the county or city and county in which such voters are registered, within fourteen days after the date of the election in which such ballots are to be counted.

1361. Fifteen days after any election mentioned herein, it shall be the duty of each county clerk or registrar of voters to deliver to the Board of Supervisors, Board of Election Commissioners or election board of the county, city and county, city or town, for which such election is held, all ballots received by him under the provisions of this chapter. The Board of Supervisors, Board of Election Commissioners, or election board, shall meet at the usual place of such meeting, or any other place permitted by law, at ten o'clock in the forenoon of the sixteenth day after any primary or general election is held to canvass the returns, at which time the Board of Supervisors, or the Board of Election Commissioners, or election board, shall canvass all of the ballots delivered to them by the county clerk or registrar of voters and shall proceed to canvass and count the same personally, or by an election board, consisting of five electors appointed by them for that purpose. At the August primary election or the May presidential primary election, the canvass shall be made in the manner prescribed by section twenty-one of the direct primary law, excepting as hereinafter provided, and the canvass of votes for any general election shall be according to the laws now in force pertaining to such general election, except as hereinafter provided.

1362. (a) The Board of Supervisors, Board of Election Commissioners, or election board appointed as hereinbefore provided shall proceed to count said ballots in the following manner: they shall take up such return envelopes containing such ballots separately in the presence of a majority of the members of the Board of Supervisors, Board of Election Commissioners, or election board, and of the public who may be present, and compare the signature of the voter on each of such envelopes with that on the registration affidavit of such voter, and the board being satisfied that the signature on the voter's identification envelope is the signature of such voter, shall announce in an audible voice the name of such voter, and shall then open such identification envelope without defacing the affidavit printed thereon or mutilating the enclosed ballot, and without unfolding said ballot, deposit same in the ballot box provided for such purpose, after removing the number therefrom. After all of the ballots are deposited in said box they shall then be taken out, after said box is thoroughly shaken, and the votes counted in the usual manner by the Board of Supervisors, Board of Election Commissioners, or election board appointed for that purpose, and the result of such count for each candidate voted for, and for and against each proposition voted upon, in such ballots, for each precinct shall be added by the board having charge of said election to the result found by said board at the official canvass of the votes cast at said election for each of said candidates, and for and against each proposition voted upon, in each of the precincts affected by the ballots cast under the provisions of this chapter, in order that the total vote cast at said election may be found, and the total so found shall be the total vote for such precinct for such election, and for each of the candidates and propositions voted upon. The identification envelopes shall be preserved and returned to the county clerk or registrar of voters to be retained in his office as a record for the period not exceeding two years, and the ballots so counted shall be preserved in the same manner as other ballots cast at such election. If in any case a majority of the board find that the signature on any identification envelope is not the same as that appearing on the original registration affidavit of said voter, said board shall refuse to open such envelope or count such ballot; and shall endorse the cause of such rejection on the face of said envelope and must be signed by a majority of said board; but no ballot shall be rejected for such cause after the envelope containing same shall have been opened.

(b) The duties imposed by this chapter upon the county clerk, or registrar of voters, shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

1363. Any person attempting to aid or abet fraud in connection with any

vote cast or to be cast, or attempted to be cast, under the provisions of this chapter, shall be guilty of a felony, and upon conviction shall be sentenced to the penitentiary for not less than one nor more than five years. Any person attempting to vote by fraudulently signing the name of a regularly qualified voter shall be guilty of forgery. Any public official, who knowingly violates any of the provisions of this chapter, and thereby aids in any way the illegal casting, or attempting to cast, a vote, or who shall connive to nullify any of the provisions of this chapter in order that fraud may be perpetrated, shall forever be disqualified from holding office in this State, and shall forever be disqualified from exercising the right of franchise, and upon conviction shall be sentenced to the penitentiary for not less than one nor more than five years.

1364. The provisions of this chapter shall be liberally construed in favor of the absent voter.

Sec. 2. If any section, subdivision, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. (Adopted May 16, 1923.)

DIRECT PRIMARY LAW

An act to provide for and regulate primary elections, and providing a method for choosing the delegates for political parties to State conventions and for nominating electors of President and Vice-President of the United States, and providing for the election of party county central committees. (Approved April 7, 1911; amended December 24, 1911; June 16, 1913; May 31, 1917.)

Definition of Words and Phrases.

Section 1. Words and phrases where used in this act shall, unless such construction be inconsistent with the context, be construed as follows:

Primary Election.

1. The words "primary election," any and every primary nominating election provided for by this act.

August Primary Election.

2. The words "August primary election," the primary election held in August to nominate candidates to be voted for at the ensuing November election or to elect members of a party central committee or delegates to a party convention.

May Primary Election.

3. The words "May presidential primary election," any such primary election, held in May of each year of the general November election at which electors of President and Vice-President of the United States are to be chosen, as shall provide for the indication of preference in the several political parties for party candidates for president of the United States through the election of delegates to national party conventions.

Definition of the Word Election.

4. The word "election," a general state, county, city or city and county election as distinguished from a primary election, recall election, or special election.

November Election.

5. The words "November election," either the presidential election, or the general state, county, or city and county election held in November of each even numbered year.

Judicial Officer.

6. The words "judicial officer," any justice of the supreme court, justice of a district court of appeal, judge of the superior court, justice of the peace, or justice of such inferior court as the legislature may establish in any county, township, incorporated city or town, or city and county; and the words "judicial office," the office filled by any of the above judicial officers.

School Officer.

7. The words "school officer," the superintendent of public instruction and the superintendent of schools of a county or city and county; and the words "school office," the office filled by any of the above school officers.

County Officer.

8. The words "county officer," any officer elected within the boundaries of any county or city and county except a member of the state board of equalization, judge of the superior court, justice of the peace, member of the state senate or assembly or a member of the house of representatives of the congress of the United States or a member of any party county central committee or delegate to a state convention from a hold-over senatorial district; and the words "county office," the office filled by any county officer. The words "township officer," any such county officer as is elected within the boundaries of any judicial township that is now or may be hereafter provided by law; and the words "township office," the office filled by any township officer.

Definition of "Political Party", "Party", "Political Organization", Etc.

9. The word or words "political party", "party", "political organization" or "organization", a political party or organization of electors which has qualified, as hereinafter provided, for participation in any primary election; and such party or organization shall be deemed to have so qualified when one or both of the following conditions have been complied with:

Qualification as Political Party.

(a) If at the last preceding November election there was polled for any one of its candidates who was the candidate of such party only for any office voted on throughout the state, at least three per cent of the entire vote of the state or for any one of its candidates who was the joint candidate of such party and any other party for any office voted on throughout the state, at least six per cent of the entire vote of the state; or

(b) If on or before a date which shall be the seventy-fifth day before any primary election, there shall be filed with the secretary of state a petition signed by registered qualified electors of the state, equal in number to at least three per cent of the entire vote of the state at the last preceding November election, declaring that they represent a political party or organization the name of which shall be stated therein, which party said electors desire to have participate in such primary election; such petition to be circulated, signed, and the signatures thereon of the registered electors certified to and transmitted to the secretary of state by the county clerks substantially as provided in section five of this act, for the circulation, signing, certification, and transmission of nomination papers for state officers; **providing, however,** that no electors or organization of electors shall assume a party name or designation which shall be so similar to the name of an existing party or organization as to mislead voters.

Construction of Act.

This statute shall be liberally construed, so that the real will of the electors shall not be defeated by any informality or failure to comply with all the provisions of this law.

Counties Having a Registrar of Voters.

In each county and city and county in this state, having a registrar of voters or registrar of voters and a board of election commissioners, the powers conferred and the duties imposed in this statute upon a county clerk and his deputies, and other officers, in relation to matters of election and polling places, shall be exercised and performed by such registrar of voters or his deputies, or registrar of voters or his deputies and board of election commissioners; and all nominating papers, list of candidates, expenses, and oaths of office, required by this statute to be made to or filed with county clerks, shall be made to or filed with the registrar of voters.

Nomination of Candidates.

Sec. 2. All candidates nominated at a primary election for elective public offices shall be nominated by direct vote at such election held in accordance with the provisions of this act; **provided**, that electors of President and Vice-President of the United States shall be nominated as provided in subdivision two of section twenty-four of this act. This act shall not apply to recall elections or to special elections to fill vacancies; nor to the nomination of officers of municipalities, counties, or cities and counties whose charters provide a system for nominating candidates for such offices; nor the nomination of officers for any district not formed for municipal purposes; nor to the nomination of freeholders to be elected for the purpose of framing a charter; nor to

the nomination of officers for cities of the fifth and sixth classes, nor to the nomination of school district officers.

August Primary.

Sec. 3. The August primary election shall be held at the legally designated polling places in each precinct on the last Tuesday in August, for the nomination of all candidates to be voted for at the ensuing November election. The day of the August primary election and the day of the May presidential primary election are hereby declared to be holidays within the meaning of Section 10 of the Political Code. Any person entitled to vote at such August or May primary elections shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for the period of two consecutive hours, between the time of opening and the time of closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made, on account of such absence, from his usual salary or wages. Any primary election other than the August primary election, or May presidential primary election, shall be held on Tuesday, three weeks next preceding the election for which such primary election is held.

Statement of Electors Registered.

Sec. 4. On the twenty-fifth day before the first Tuesday in May, on the twenty-fifth day before the last Tuesday in August, and on the twenty-fifth day before the date of the November election, in each even numbered year, the county clerk or registrar of voters of each county or city and county shall transmit a statement to the Secretary of State of the total number of electors registered in his county between the first day of January next preceding and a date in each instance five days preceding the date of transmission of such statement as herein provided for, together with the number so registered under each of the several political affiliations, and also the number declining or failing to declare such affiliation. At least seventy days before the time of holding the August primary election in 1918 and biennially thereafter, the Secretary of State shall prepare and transmit to each County Clerk and to the Registrar of Voters in any city and county a notice in writing designating all the offices, except township offices, for which candidates are to be nominated at such primary election, together with the names of the political parties qualified to participate in such election.

Publication of Notice for August Primary.

2. Within ten days after receipt of such notice such County Clerk or Registrar of Voters in any city and county shall publish once in each week for two successive weeks in not more than two newspapers published in such county or city and county so much thereof as may be applicable to his county, including a statement of the township offices in the county for which candidates are to be nominated, and a statement of the number of members of the county central committee to be elected by each political party in each supervisorial or assembly district, as the case may be, according to the provisions of subdivision four of section twenty-four of this act.

Publication of Notice for Other Primaries.

3. In the case of primary elections other than the August primary elections the city clerk or secretary of the legislative body of the political subdivision for which such primary election shall be held shall cause one publication of such notice to be given, such publication to be not more than forty and not less than fourteen days before such primary election.

Method of Getting Name on Ballot.

Sec. 5. The name of no candidate shall be printed on an official ballot to be used at any primary election unless at least forty days prior to the primary election, if the candidate is to be voted for at the August primary election or the May presidential primary election, and at least twenty-five days prior to the primary election, if the candidate is to be voted for at a primary election other than the August or May primary election, a nomination paper nominating such candidate shall have been prepared, circulated, signed, verified and left with the County Clerk for examination, or for examination and filing, in the manner provided by this act.

Verification Deputies.

2. (a) The candidate may appoint verification deputies to serve within

the county or city and county in which such deputies reside in securing signatures to his nomination paper for nomination to the office for which he is a candidate, and the verification deputies thus appointed shall be recognized as the duly authorized verification deputies to secure signatures to the nomination paper of such candidate in such county or city and county. The document in which such verification deputies are appointed as herein provided shall be filed with the county clerk of the county or city and county in which such verification deputies reside, at or before the time the nomination paper of the candidate is left with the county clerk for filing or for examination as provided in subdivision four of this section. Said document shall be in substantially the following form:

I, the undersigned, a candidate for the party nomination for the office of , which nomination is to be made by direct vote at a primary election to be held on the day of August, 19...., do hereby appoint the following registered qualified electors of the county of , as verification deputies to obtain signatures in said county to a nomination paper placing me in nomination as a candidate of said party for said office of

VERIFICATION DEPUTIES.

Name.

Residence.

.....
.....
.....
.....

etc.

etc.

(Signature)

(Residence)

Filed in the office of the county clerk of county this day of , 19.....

..... County Clerk.
By Deputy.

Additional Deputies.

In case it is desired to appoint additional verification deputies to secure signatures to the nomination paper of such candidate, one or more similar documents may be filed to supplement the first document. When the office for which the candidate is proposed is a judicial, school, county, township or municipal office, the words "..... party," and the words "of said..... party," shall be omitted from said document. Or, as an alternative to the foregoing portion of this section, and subdivision, verification deputies may be appointed in behalf of a candidate as follows:

Five Electors May Propose Candidates.

2. (b) Any five qualified electors of any county or city and county who are registered as intending to affiliate with the same political party may join in proposing a candidate for nomination to any office to be voted on in such county or city and county at the next ensuing primary election, and in appointing verification deputies to serve within such county or city and county in securing signatures to the nomination paper of such candidate for such office. If the office is an office the candidate for which is to be voted on in more than one county, he may be proposed for nomination as herein provided by five of the registered qualified electors in each of the counties in which such electors may desire to circulate a nomination paper in his behalf. The signatures of the said five qualified electors shall be verified free of charge before any officer authorized to administer an oath, and the document containing such signatures shall be filed with the county clerk of the county or city and county in which said five qualified electors reside, at or before the time the nomination paper of the candidate is left with the county clerk or registrar of voters for filing or for examination as provided in subdivision four of this section. In said document the five signers shall make affidavit that the candidate therein named for the office therein specified has given his consent to be thus proposed for nomination to such office; and shall also state that the verification deputies therein appointed are duly registered qualified electors of said county or city and county; and the verification deputies therein appointed shall be recognized as the duly authorized verification deputies to secure signatures to the nomination paper of such candi-

date in such county or city and county. Said document shall be substantially in the following form:

State of California, } ss.
County of.....

We, the undersigned, do solemnly swear (or affirm) that we are each qualified electors of the county of State of California, and that we are each registered as intending to affiliate with the party and we do hereby propose , who resides at No., street in the city of (or in the town of), county of, as a candidate for the nomination of such party for the office of, to be voted for at the primary election to be held on the day of August, 19....; and we do solemnly swear (or affirm) that said has consented to this proposal of his name as candidate for the nomination for said office. We hereby appoint the following registered qualified electors of this county as verification deputies to obtain signatures in this county to the nomination paper of said to said office of

VERIFICATION DEPUTIES.

Name. Residence.

etc.

etc

(Signed)

Name _____

Residence-

Subscribed and sworn to before me this.....day of, 19....
(Seal)

(Seal)

Notary Public (or other official).

In case it is desired to appoint additional verification deputies to secure signatures to the nomination paper of said candidate, one or more similar documents may be filed, to supplement the first document. When the office for which the candidate is proposed is a judicial, school, county, township, or municipal office, the provisions of this subdivision shall apply, except that the five qualified electors shall make no statement of their party affiliation and may be affiliated with different parties or with no party; and the candidate proposed for nomination shall not be so proposed as the candidate of any party.

Obtaining Signatures to Nomination Papers.

3. Verification deputies appointed as provided in subdivision two of this section to obtain signatures to the nomination paper of any candidate for any office to be voted for at any primary election, may, at any time not more than sixty-five days nor less than forty days prior to such election, obtain signatures to such nomination paper of such candidate for such office; each signer of a nomination paper shall sign but one paper for the same office, except that in case two or more persons are to be elected to the same office at the same election, an elector may sign the nomination papers of as many persons as there are persons to be elected to such office, and such act on the part of such elector shall not be deemed in conflict with the signer's statement hereinafter provided. In the case of primary elections other than August primary elections or May presidential primary elections, signatures may be obtained not more than forty days nor less than twenty-five days prior to such election.

He shall also declare his intention to support such candidate for nomination, and shall add his place of residence, giving his street and number if any. His election precinct shall also appear on the paper just preceding his name, and he shall write the date of his signature at the end of the line just after his residence. Any nomination paper may be presented in sections, but each section

shall contain the name of the candidate and the name of the office for which he is proposed for nomination. Each section shall bear the name of the city or town, if any, and also the name of the county or city and county, in which it is circulated, and only qualified electors of such county or city and county, registered as intending to affiliate with the political party by which the nomination is to be made shall be competent to sign such section. Any section circulated within any incorporated city or town shall be signed only by registered qualified electors of such city or town. Each section shall be prepared with the lines for signatures numbered, and shall have attached thereto the affidavit of the verification deputy who has obtained signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief, each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. The affidavit of any verification deputy obtaining signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such nomination paper so verified shall be *prima facie* evidence that the signatures thereto appended are genuine and that the persons signing the same are registered qualified electors, unless and until it is otherwise proven by comparison of such signatures with the affidavits of registration in the office of the county clerk or registrar of voters. Each section of the nomination paper, after being verified, shall be returned by the verification deputy who circulated it to one of the five electors by whom the said verification deputy was appointed; and in this manner all the sections circulated in any county shall be collected by said five electors of that county and shall be by them arranged for filing or for examination, as provided in subdivision four of this section, and shall then be by some one of them filed or left for examination and filing. In case said verification deputy was appointed directly by the candidate according to the provisions of subdivision two (a) of this section, the collecting, arranging, and filing, or leaving for examination and filing, of the sections of the nomination paper shall be done by the candidate, or on his behalf, instead of by the "five electors" as hereinbefore provided. Each section of the nomination paper shall be in substance as follows:

County of _____, city (or town) of _____ (if any).

Nomination paper of....., candidate for..... party nomination
for the office of.....

State of California, { ss.
County of.....

SIGNER'S STATEMENT.

I, undersigned, am a qualified elector of the city (or town) of....., county of....., State of California, and am registered as intending to affiliate with the.....party; and I hereby nominate....., who resides at No.....street, city of....., county of....., State of California, as a candidate for the nomination of the.....party for the office of..... to be voted for at the primary election to be held on the.....day of August, 19.... I have not signed the nomination paper of any other candidate for the same office, and I further declare that I intend to support for such nomination the candidate named herein.

I furthermore declare that I have not signed the nomination paper of this candidate or any other candidate for office, as candidate of any other party at such primary election.

No.	Precinct	Signature	Residence	Date
1				
2				
3				
4				
5				
etc.				

VERIFICATION DEPUTY'S AFFIDAVIT-

I,, solemnly swear (or affirm) that I have been appointed according to the provisions of subdivision two, section five of the direct primary law, as a verification deputy to secure signatures in the county of to the nomination paper of as candidate for the nomination of the party for the office of ; that all the signatures on this section of said nomination paper, numbered from one to inclusive, were made in my

presence, and that, to the best of my knowledge and belief, each of said signatures is the genuine signature of the person whose name it purports to be.

(Signed)

Verification deputy.

Subscribed and sworn to before me this day of , 19.....
(Seal)

Notary public (or other official).

In the case of a nomination paper for any candidate for a judicial, school, county, township or municipal office, the provisions of this subdivision shall apply, except that no such nomination paper nor any section thereof shall contain the name of any political party and any nomination paper for any candidate for a judicial office, school office, county office, township office, or municipal office, may be signed by any registered qualified elector of the county or city and county, whether registered as being affiliated with any, or with no, political party.

Arrangement Prior to Filing.

4. Prior to the filing of a nomination paper for any candidate, the sections thereof must be numbered in order and fastened together by cities or towns or portion of the county not included in such cities or towns, substantially in the manner required for the binding of affidavits of registration by the provisions of section one thousand one hundred thirteen of the Political Code; **provided**, that the sections of the nomination paper may be preceded by an index of precincts, arranged by cities, towns or outside territory in the numerical or alphabetical order of such precincts for each such city, town or outside territory and showing after the name or number of such precinct the numbers of the sections on which the names of the electors registered in such precinct are to be found, and after the number of each section, the number (in parentheses) of times such names are to be so found on such section. Such index shall be in substantially the following form:

No. of precinct	City of			
	Numbers of sections containing voters of precinct			
1.....	1 (3 times)	2 (5 times)	3 (7 times)	etc.
2.....	1 (4 times)	2 (0 times)	3 (6 times)	etc.
etc.....	etc.	etc.	etc.	etc.

Town of

etc.

Outside Territory

etc.

And **provided, further**, that for all nominations of candidates to be voted for in more than one county, or throughout the entire state, the nomination papers, properly assembled, may be consolidated and fastened or bound together by counties; but in no case shall nomination papers signed by electors of different counties be fastened or bound together. The county clerk or registrar of voters of any county or city and county shall examine all nomination papers herein provided for which purport to have been signed by electors of his county or city and county, and shall disregard and mark "not sufficient" any name appearing on such paper or papers which does not appear in the same handwriting on an affidavit of registration in his office made on or before the date when such name was signed, or which, except in the case of nomination papers of candidates for judicial, school, county, township or municipal offices, the signers of which may be registered as of any or of no party, does not appear on said affidavit as intending to affiliate with the party named in such nomination papers. Such officer shall, within five days after any nomination papers are filed with him or left for examination, examine the same as herein provided, and affix thereto a certificate reciting that he has examined the same and stating the number of names signed thereto which have not been marked "not sufficient" as hereinabove provided. All nomination papers which by this act are required to be filed in the office of the secretary of state, shall be left with the county clerk or registrar of voters for examination, as above provided, at least forty days prior to the August primary election or the May presidential primary election, and shall, with such certificate of examination attached, within five days after being so left, be forwarded by such county clerk or registrar of voters to the secretary of state, who shall receive and file the same. All nomination papers which by this act are required to be filed in the office of the city clerk or secretary of the legislative body of any city or municipality shall be left with the county clerk or registrar of voters for examination, as above provided, at least twenty-five days prior to the primary election at which such nominations are to be made, and shall, with such certificate of examination attached, within five days after being so left be

forwarded by such county clerk or registrar of voters to the city clerk or secretary of the legislative body of such city or municipality who shall receive and file the same. The verification of signatures to nomination papers shall not be made by the candidate, nor by any county clerk, or registrar of voters, nor by any of the deputies in the office of such county clerk or registrar of voters, nor within one hundred feet of any election booth, polling place, or any place where registration of electors is being conducted. Each candidate on or before the thirty-fifth day prior to the August primary election or the May Presidential Primary Election, or on or before the twenty-fifth day prior to any other primary election, shall file in the place where his nomination paper is required to be filed, as provided in section six of this act, his affidavit, stating his residence, with street and number, if any; his election precinct; that he is a qualified elector in the election precinct in which he resides; the name of the office for which he is a candidate; that he will not before said primary election withdraw as a candidate for nomination and that if nominated he will accept such nomination and not withdraw, and that he will qualify as such officer if nominated and elected; and he shall also make the statement required in subdivision five of section six of this act. Nothing in this act contained shall be construed to limit the rights of any person to become the candidate of more than one political party for the same office upon complying with the requirements of this act, but no person shall be entitled to become a candidate for more than one office at the same election. No more than one affidavit need be filed by any candidate, even though he is the candidate for nomination by more than one political party. In no case shall the secretary of state, county clerk, or city clerk, place the name of any candidate on this ballot or certify any such name to be placed thereon unless the requisite affidavit has first been filed as herein provided.

Number of Signatures Required.

5. Except in the case of a candidate for nomination to a judicial office, school office, county office, or township office, nomination papers shall be signed as follows: If the candidate is the candidate for an office to be voted on throughout the state, by not less than one-half of one per centum and not more than two per centum of the vote constituting the basis of percentage as defined in subdivision six of this section, of the party of the candidate seeking nomination, within the state; if the candidate is the candidate for an office to be voted on in some political subdivision of the state, but not throughout the state, by not less than one per centum nor more than two per centum of the vote constituting the basis of percentage, as defined in subdivision six of this section, of the party of the candidate seeking nomination within said political subdivision in which such candidate seeks nomination.

Basis of Percentage.

6. Except in case of a candidate for nomination to a judicial, school, county, township or municipal office, the basis of percentage in each political party shall be the vote polled for such party's candidate for governor, at the last preceding November election at which a governor was elected, in the state or in that political subdivision for which the candidate is proposed for nomination; provided, that such candidate for governor was the candidate of such political party alone. If such party's candidate for governor was not the candidate of such party alone, the basis of percentage shall be the vote polled at said election by that one of such party's candidates voted on throughout the state who received the greatest number of votes of all of such party's candidates who were the candidates of such party alone. But if no candidate voted on throughout the state was the candidate of such party alone, then the basis of percentage shall be the vote polled at said election by that one of such party's candidates voted on throughout the state who received the greatest number of votes of all such party's candidates who were the candidates of such party in conjunction with one or more other parties. (Amended April 11, 1919.)

In Case of Change of Political Subdivisions.

7. Whenever by rearrangement of political subdivisions of the State by any Legislature, Board of Supervisors or other legislative body, the boundaries of such political subdivisions are changed, the vote polled for governor at the last preceding gubernatorial election by each party in each of the new political subdivisions shall be determined as follows: If the change occurs wholly within any county or city and county, the County Clerk or Registrar of Voters of such county or city and county shall determine as nearly as possible such vote of each party in the new political subdivision by adding together for each party the vote for such party's candidate for governor in each of the former pre-

cincts which now are combined to make up such new political subdivision. If the change occurs outside the limits of any county or city and county, the Secretary of State shall determine such vote of each party in such new political subdivision by adding together for each party the vote for such party's candidate for governor in the counties which now are combined to make up such new political subdivision. In the same way that the highest vote for each party in each new political subdivision is ascertained, shall also be ascertained the total vote at such election as is required to be determined by the provisions of subdivision eight of this section. Every political party qualified to participate in the primary election by the provisions of subdivision nine of section one of this act, for nomination by which party there shall have been filed nomination papers for one or more candidates containing a sufficient number of signatures, shall be entitled to a separate party ticket at the primary election; but all such party tickets must be alike in the designation of candidates for judicial, school, county, and township offices.

Judicial or School Offices, Etc.

8. In the case of a candidate for nomination to a judicial, school, county, township or municipal office, nomination papers shall be signed by not less than one-half of one per centum, nor more than two per centum of the total vote cast at the last general election in the State or political subdivision thereof in which such candidate for judicial or school, county, or township office seeks nomination.

Independent Nominations.

9. Nothing herein shall be construed as prohibiting the independent nomination of candidates as provided by section one thousand one hundred eighty-eight of the Political Code, as said section reads at the time of said nomination; except that a candidate for whom a nomination paper has been filed as one of the candidates for nomination to any office on the ballots of any political party at a primary election held under the provisions of this act, and who is defeated for such party nomination at such primary election, shall be ineligible for nomination as an independent candidate, or as a candidate named by a party central committee to fill a vacancy as provided in section twenty-five of this act, for the same office at the ensuing general election; and no person shall be permitted to file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election. Nor shall any person whose name has been written in upon any ballot or ballots for any office at any primary election, have his name placed upon the ballot as a candidate for such office at the ensuing general election, except under the provisions of said section one thousand one hundred eighty-eight of the Political Code or of section twenty-five of this act providing for the filling of vacancies by party central committees, unless at such primary election he shall have received for such office votes equal in number to the minimum number of signatures to the nomination paper which would have been required to be filed to have placed his name on the primary ballot as a candidate for nomination to such office. (Amended April 11, 1919.)

Clerk to Keep Records.

10. The officer with whom nomination papers are filed shall keep a record in which he shall enter the names of every person presenting the same for filing, the name of the candidate, the title of the office, the party, if any, and the time of filing. (Amended April 11, 1919.)

Nomination Papers—Where Filed.

Sec. 6. All nomination papers provided for by this act shall be filed as follows:

1. For State officers, United States senators, representatives in Congress, members of the State senate and assembly, delegates to State conventions from "hold-over senatorial districts" and all officers voted for in districts comprising more than one county, in the office of the Secretary of State.

2. For officers to be voted for wholly within one county or city and county, except representatives in Congress, delegates to State Conventions from "hold-over senatorial districts" and members of the State senate and assembly, in the office of the County Clerk of such county or in the office of the Registrar of Voters in such city and county.

3. For city officers, in the office of the City Clerk or secretary of the legislative body of such city or municipality.

4. When a nomination paper or sections thereof shall have been received

which contain a number of signatures equal to two per centum of the vote constituting the basis of percentage as provided in Subdivisions 5, 6 and 8 of Section 5 of this act, the officer with whom such papers are required to be filed shall not receive or file further sections of the nomination paper for the candidate named therein. (Amended April 11, 1919.)

Nomination Papers in Excess of Three Per Cent. How Returned.

5. No more signatures shall be secured for any candidate than a number equal to three per centum of the vote constituting the basis of percentage as provided in Subdivisions 5, 6 and 8 of Section 5 of this act; provided that if through miscalculation or otherwise, more signatures are secured than the said three per centum, all sections of the nomination paper containing signatures in excess of said three per centum must be sent to the candidate; and before any nomination paper is filed as provided in this section, the candidate must notify each signer of such excess sections that his name has not been used; and in the affidavit required to be filed in Subdivision 4 of Section 5 of this act, affiant must state whether he has complied with the provisions contained in Subdivision 5 of Section 6 of this act. (Amended April 11, 1919.)

Filing Fees.

Sec. 7. A filing fee of fifty dollars shall be paid to the Secretary of State by each candidate for State office or for the United States senate, except as otherwise provided in this section.

2. A filing fee of twenty-five dollars shall be paid to the Secretary of State by each candidate for representative in congress or for any office, except member of State senate and assembly, to be voted for in any district comprising more than one county.

3. A filing fee of ten dollars shall be paid to the Secretary of State by each candidate for the State senate or assembly.

4. A filing fee of ten dollars shall be paid to the County Clerk or Registrar of Voters in any city and county when the nomination paper or papers and affidavit of any candidate to be voted for wholly within one county or city and county are filed with such County Clerk or Registrar of Voters.

5. A filing fee of ten dollars shall be paid to the City Clerk or secretary of the legislative body of any municipality when the nomination paper or papers and affidavit of any candidate for a city office are filed with such clerk or secretary of such legislative body.

6. No filing fee shall be required from any person to be voted for at the May presidential primary election, or from any candidate for an office to the holder of which no fixed compensation is required to be paid, or for township or municipal offices the compensation to the holder of which does not exceed the sum of six hundred dollars per annum.

7. In no case shall the Secretary of State, County Clerk, Registrar of Voters or City Clerk, receive any nomination papers for filing until the requisite fee for such filing, as prescribed in this section, has first been paid to him.

8. When a person for whom a nomination paper has not been filed is nominated for an office by having his name written on a primary election ballot, he must pay the same filing fee that would have been required if his nomination paper had been filed; otherwise his name must not be printed on the ballot at the ensuing general election.

9. When a candidate for nomination to office is proposed for nomination by more than one political party, he must pay a separate filing fee for each party in which he is proposed for nomination; or if, having filed a nomination paper for one party, he is nominated by another party by having his name written on a primary election ballot, he must pay the same filing fee for such other party nomination that would have been required if his nomination paper for such other party had been filed; otherwise his name shall not be printed on the general election ballot as the nominee of such other party.

Disposition of Fees.

Sec. 8. The County Clerk shall immediately pay to the County Treasurer and the Registrar of Voters in any city and county shall immediately pay to the City and County Treasurer all fees received from candidates. The City Clerk or secretary of the legislative body of any municipality shall immediately pay to the City Treasurer all fees received from candidates. Within ten days after the primary election the Secretary of State shall pay to the State Treasurer all fees received from candidates and shall apportion the fees paid to him by each candidate equally among the counties within which such candi-

date is to be voted for, and certify such apportionment to the State Controller, who shall issue warrants on the State Treasurer for the amount due each county and the State Treasurer shall pay the same.

Expenses of Election, How Paid.

Sec. 9. The expense of providing all ballots, blanks and other supplies to be used at any primary election provided for by this act and all expenses necessarily incurred in the preparation for or the conduct of such primary election shall be paid out of the treasury of the city, city and county, county or State, as the case may be, in the same manner, with like effect and by the same officers as in the case of general elections.

List of Candidates Sent to Registrar of Voters.

Sec. 10. At least thirty days before any August primary election preceding a November election or before any May Presidential primary election the Secretary of State shall transmit to each County Clerk or Registrar of Voters in any city and county a certified list containing the name and post-office address of each person for whom nomination papers have been filed in the office of such Secretary of State, including the candidate for delegate to a State convention, if any, from a "hold-over senatorial district" and who is entitled to be voted for in such county at such primary election, together with a designation of the office for which such person is a candidate and except in the case of a judicial office, or a school office of the party or principle he represents. Such County Clerk or Registrar of Voters shall forthwith, upon receipt thereof, publish under the proper party designation the title of each office (except a judicial office or a school office) which appears upon the certified list transmitted by the Secretary of State as hereinbefore provided, together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices in the office of the Secretary of State, and also the names of all candidates for the county central committee, filed in the office of the County Clerk or Registrar of Voters. He shall also publish the title of each judicial office, school office, county office, and township office, together with the names and addresses of all persons for whom nomination papers have been filed for each of said offices, either in the office of the Secretary of State or in the office of the County Clerk or Registrar of Voters, and shall state that candidates for said judicial, school, county, and township offices may be voted for at the primary election, by any registered, qualified elector of the county, whether registered as intending to affiliate with any political party or not. He shall also publish the date of the primary election, the hours during which the polls will be open, and that the primary election will be held at the legally designated polling places in each precinct, which shall be particularly designated. It shall be the duty of the County Clerk or Registrar of Voters in any city and county to cause such publication to be made once each week for two successive weeks prior to said primary election.

Notice of Election, Where Published.

Sec. 11. Every publication required by this act shall be made in not more than two newspapers of general circulation published in such county or city and county, and one of such newspapers shall represent the political party that cast at the last preceding general election the highest number of votes in such county or city and county, and one of such newspapers, if any shall represent the party which cast the next highest number of votes at such election. In any case where the publication of the notices provided for by this act can not be made as hereinbefore provided it shall be made in any newspaper having a general circulation in the city or county in which the notice is required to be published.

Official Ballots of Distinctive Color, How Provided.

Sec. 12. 1. All voting at primary elections within the meaning of this act shall be by ballot. A separate official ballot for each political party shall be printed and provided for use at each voting precinct; but all such party ballots must be alike in the designation of candidates for judicial, school, county, and township offices. The ballots must have a different tint or color for each of the political parties participating in the primary election. There shall also be printed and provided a non-partisan ballot of a different tint and color from all the others (or white, if all the others are colored), which shall contain only, but in like manner, all the candidates for judicial, school, county, and township offices to be voted for at the primary election; and one of the non-

partisan ballots shall at the primary election, be furnished to each registered qualified elector who is not registered as intending to affiliate with any one of the political parties participating in said primary election; but to any elector registered as intending to affiliate with any political party participating in the primary there shall be furnished, not a non-partisan ballot, but a ballot of the political party with which said elector is registered as intending to affiliate.

It shall be the duty of the County Clerk of each county or of the Registrar of Voters in any city and county to provide such printed official ballots to be used at any August primary election for the nomination of candidates to be voted for in such county or city and county at the ensuing November election and at any May Presidential primary election. It shall be the duty of the City Clerk or secretary of the legislative body of any municipality to provide such printed official ballots for any primary election other than the August primary election or the May Presidential primary election. Such official ballots to be used at any primary election shall be printed on official paper, furnished by the Secretary of State, in the manner provided by section 1196 of the Political Code, and in the form hereinafter provided. The names of all candidates for the respective offices for whom the prescribed nomination papers have been duly filed shall be printed thereon.

2. Official primary election ballots used at any primary election for the nomination of candidates to be voted for at any presidential or general State election, except as provided in subdivision 5 of this section, shall be as long as the herein prescribed captions, headings, party designations, directions to voters and lists of names of candidates, properly subdivided according to the several offices to be nominated for, may require; and no official primary election ballot shall be less than six and one-half inches wide.

3. Across the top of the ballot shall be printed in heavy faced gothic capital type, not smaller than forty-eight point, the words: "Official primary election ballot," providing, that on a non-partisan ballot said words may be printed in gothic capital type not smaller than twenty-four point. Beneath this heading shall be printed in heavy faced gothic capital type, not smaller than twenty-four point, the party designation if it be a party ballot; or, in the case of a ballot containing the names of no candidates except candidates for a judicial, school, county, or township office, the words "Non-partisan ballot." Beneath the party designation or the words "Non-partisan ballot," as the case may be, insert the respective number of the congressional, senatorial, or assembly district in which the ballot is to be voted, in black-face type, as large as the width of the ballot shall make possible. In the case of official primary election ballots to be used at any primary election held for the nomination of candidates other than those to be voted for at a presidential or a general State election, and on which, in accordance with the provisions of this act, the names of candidates may be printed in a single column or in two parallel columns, as the case may be, the words "Official primary election ballot" shall be printed thereon in heavy faced gothic capital type, not smaller than twenty-four point. The party or non-partisan designation shall be printed in heavy faced gothic capital type, not smaller than eighteen point. The instructions to voters shall be printed in ten point gothic type.

4. At least three-eighths of an inch below the district designation shall be printed in ten point gothic type, double leaded, the following instructions to voters: "To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose."

5. The instructions to voters shall be separated from the list of candidates and the designations of the several offices to be nominated for by one light and one heavy line or rule. The names of the candidates and the respective offices shall, except as may be hereinafter otherwise provided, be printed on the ballot in four or more parallel columns, each two and one-half inches wide. The number of such parallel columns shall be exactly divisible by two, and such parallel columns shall be equally divided on the ballot for party and non-partisan tickets by a solid black line, extending down from the printed lines separating the instructions to voters from the lists of names of candidates to the bottom margin of the ballot. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general State election, the order of precedence shall be as follows, that is to say: In the column to the left, under the heading STATE shall be printed the groups of names of candidates for State offices, except judicial and school offices, and for members of the State Board of Equalization. In the second column, under

the heading CONGRESSIONAL shall be printed the groups of names for United States Senator in Congress, if any, and for Representative in Congress. Next, under the heading LEGISLATIVE shall be printed the groups of names for State Senator, if any, for member of Assembly, and for election as delegate to the State convention from a "hold-over senatorial district," if any. Finally under the heading COUNTY COMMITTEE, shall be printed the names of the candidates for election to membership in the County Central Committee of the party. In the case of primary elections where State officers are not to be nominated, at the left of the solid black dividing line there may be only one column. In the parallel columns to the right of the solid black dividing line shall be printed the groups of names of candidates for nomination to judicial, school, county, and township offices in the following order: Under the heading JUDICIAL shall be printed all the names of candidates for judicial offices, in the order of Chief Justice Supreme Court, Associate Justices Supreme Court, Judge of District Court of Appeals, Judge of Superior Court and Justice of the Peace. Next, under the heading SCHOOL shall be printed all the names of candidates for school offices in the order of State Superintendent of Instruction, Superintendent of School, and school district officers, if any. Next, under the heading COUNTY AND TOWNSHIP shall be printed the groups of candidates for all county and township offices except judicial or school offices. In the case of primary elections where county officers are not to be nominated, at the right of the solid black dividing line there may be only one column. The non-partisan ballot provided for in subdivision one of this section shall be identical as to offices and name of candidates with that portion of the party ballot which is printed to the right of the solid black dividing line hereinabove described. The tally sheets furnished to election officers shall have the names of offices and candidates arranged in the order in which said names of offices and candidates are printed on the ballots according to the provisions of this section and subdivision. In the case of primary elections for the nomination of candidates for city, city and county or municipal offices only, the groups of names of candidates may be printed in two parallel columns and the order of precedence shall be determined by the legislative body of such city or municipality or by the Board of Election Commissioners of any such city and county.

6. The group of names of candidates for nomination to any judicial office, school office, county office, or township office shall include all the names receiving the requisite number of signatures on a nomination paper for such office, and shall be identical for each such office on the primary election ballots of each political party participating at the primary election; but the groups of names of candidates for all other offices on the ballots of each political party shall comprise only the names of the candidates for nomination by such party.

7. The order in which the list of candidates for any office shall appear upon the primary election ballot shall be determined as follows:

(a) If the office is an office the candidates for which are to be voted on throughout the entire State, including United States Senator in Congress, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for the first assembly district; and thereafter for each succeeding assembly district, the name appearing first for each office in the last preceding district shall be placed last, the order of the other names remaining unchanged. If the office is that of Representative in Congress, or is an office the candidates for nomination to which are to be voted on in more than one county or city and county, but not throughout the entire State, except the office of State Senator or Assemblyman, the Secretary of State shall arrange the names of all candidates for such office in alphabetical order for that assembly district which is lowest in numerical order of any assembly district in which such candidates are to be voted on; and thereafter for such succeeding assembly district in which such candidates are to be voted on, the name appearing first for such office in the last preceding district shall be placed last, the order of the other names remaining unchanged. In transmitting to each County Clerk or Registrar of Voters the certified list of names as required in section 10 of this act, the Secretary of State shall certify and transmit the list of candidates for nomination to each office according to assembly districts, in the order of arrangement as determined by the above provisions; and in the case of each county or city and county containing more than one assembly district, he shall transmit separate lists for each assembly district. Except for the office of State Senator or Assemblyman, the order in which the names filed with the Secretary of State shall appear upon the ballot, shall be for each assembly district the order as determined

by the Secretary of State in accordance with the above provisions, and as certified and transmitted by him to each County Clerk or Registrar of Voters.

(b) If the office is an office to be voted on throughout, but wholly within, one county or city and county, except the office of Representative in Congress or State Senator or Assemblyman, the County Clerk of such county or the Registrar of Voters of such city and county, shall arrange the names of all candidates for such office in alphabetical order for the first supervisorial district; and thereafter for each supervisorial district, the name appearing first for each such office in the last preceding supervisorial district shall be placed last, the order of the other names remaining unchanged; provided, there are no more than five assembly districts in such county, or city and county. If there are more than five assembly districts in such county, or city and county, the County Clerk or Registrar of Voters shall so arrange on the ballot the order of names of all candidates for such office that they shall appear in alphabetical order for that assembly district in such county, or city and county, which is lowest in numerical order, and thereafter for each succeeding assembly district in such county, or city and county, the name appearing first for each office in the last preceding assembly district shall be placed last, the order of the other names remaining unchanged.

(c) If the office is that of State Senator or Assemblyman, or delegate to the State convention from a "hold-over senatorial district," or member of a county central committee, or any office except the office of Representative in Congress to be voted on wholly within any county or city and county but not throughout such county or city and county, the names of all candidates for such office shall be placed upon the ballot in alphabetical order.

(d) If the office is a municipal office in any city or town whose charter does not provide for the order in which names shall appear on the ballot, the names of candidates for such office shall be placed upon the ballot in alphabetical order.

8. In publishing the names and addresses of all candidates for whom nomination papers have been filed, as required in section 10 of this act, the County Clerk or Registrar of Voters shall publish the names in the order in which they will appear upon the ballot; provided, that in counties or cities and counties containing more than one assembly district the order of names of candidates shall be that of the assembly district in such county or city and county which is lowest in numerical order.

9. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and the words "Vote for one" or "Vote for two" or more according to the number to be elected to such office at the ensuing election. Such designation of the office to be nominated for and of the number of candidates to be nominated shall be printed in heavy faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left-hand margin and the words "Vote for one" or "Vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the direction for voting shall be separated from the names of the candidates by a light line.

10. The names of the candidates shall be printed on the ballot without indentation, in roman capital type not smaller than eight point, between light lines or rules three-eighths of an inch apart. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules, three-eighths of an inch apart, as there are to be candidates nominated for such office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three-eighths of an inch square. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "State," "Congressional," "Legislative," "County and Township" or "Municipal" or other proper general classification, as the case may be, printed in heavy faced gothic capital type, not smaller than twelve point. The left-hand side of the first column of names on the ballot, and also the right-hand side of the last column of voting squares on the ballot shall be bordered by a broad printed line one-twelfth of an inch wide. The binding or stitching of each package of ballots shall be on the left side thereof. The ballots shall be printed on the same leaf with a stub not over one and one-half inches in width, and separated therefrom by a perforated line from top to bottom, one-half inch to the left of the broad printed line along the left border of the ballot. Upon this stub shall be printed the number of the ballot only. On each ballot a perforated line shall extend across the top of the ballot one inch from the top thereof. The same number as appears on the stub shall be printed above such perforated

line within two inches of the perforated line on the left side of the ballot, and above this number shall be printed in parenthesis in small type as follows: "(This number to be torn off by inspector)"; and one-half inch to the right of this ballot number there shall be a short perforated line extending from the perforated line along the top of the ballot to the top edge of the ballot. Immediately above said perforated line shall be printed in black-face lower case type, at least twelve point in size, and enclosed in a parenthesis, the following: "(Fold Ballot to this Perforated Line, Leaving Top Margin Exposed)". Above this printed direction, and midway between it and the top edge of the ballot, shall be printed in black-face capital type, at least twelve point in size, if possible, and with the four middle words underlined or otherwise made prominent, the following: "**MARK CROSSES (X) ON BALLOT ONLY WITH RUBBER STAMP; NEVER WITH PEN OR PENCIL.**" The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county; **provided**, that the sequence of numbers on such official ballots and stubs for each party shall begin with the number one. The official ballots of each political party shall be made up in stub books, each book to contain ten, or some multiple of ten, ballots, in the manner provided by law for official election ballots, and except as to the order of the names of candidates shall be printed in substantially the following form: (Amended May 7th, 1919.)

Sample Ballots to Be Mailed to Voters.

Sec. 13. At least twenty days before the August primary election or before the May presidential primary election each County Clerk or Registrar of Voters in any city and county shall prepare separate sample ballots for each political party, and a separate sample non-partisan ballot, placing thereon in each case in the order provided in subdivision 7 of section 12 of this act, and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him, or have been certified to him by the Secretary of State, to be voted for at the primary election in his county or city and county. Such sample ballots shall be printed on paper of a different texture from the paper to be used on the official ballot, and one sample ballot of the party to which the voter belongs as evidenced by his registration shall be mailed to each such voter entitled to vote at such August primary election or May presidential primary election, as the case may be, not more than ten or less than five days before the election. Not more than ten nor less than five days before the August primary election a non-partisan sample ballot printed on paper of a different texture from the paper to be used on the official ballot shall be mailed to each registered qualified elector who is not registered as intending to affiliate with any of the parties participating in said primary election. Such Clerk or Registrar of Voters shall forthwith submit the ticket of each political party to the chairman of the county committee of such party and shall mail a copy to each candidate for whom nomination papers have been filed with him or whose name has been certified to him by the Secretary of State to the post office address as given in such nomination paper or certification, and he shall post a copy of each sample ballot in a conspicuous place in his office. Before such primary election the County Clerk or Registrar of Voters in any city and county shall cause the official ballot to be printed as provided by section 12 of this act, and distributed in the same manner and in the same quantities as provided in sections 1198, 1199 and 1201 of the Political Code for the distribution of ballots for elections; provided, that the number of party ballots to be furnished to any precinct shall be computed from the number of voters registered in such precinct as intending to affiliate with such party, and the number of non-partisan ballots to be furnished to any precinct shall be computed from the number of voters registered in such precinct without statement of intention to affiliate with any of the parties participating in the primary election. In the case of primary elections for the nomination of candidates for city offices it shall be the duty of the City Clerk, secretary of the legislative body of such city or municipality, or such other officer charged by law with the duty of preparing and distributing the official ballots used at elections in such city or municipality, to prepare and mail the sample ballot and to prepare and distribute the official primary election ballots, and so far as applicable and not otherwise provided herein the provision of this act shall apply to the nomination of all candidates for city offices.

Opening and Closing of Polls.

Sec. 14. The polls must be open at six o'clock of the morning of the day of primary election and must be kept open until seven o'clock in the afternoon of the same day, when the polls shall be closed; provided, however, that if at the hour of closing there are any voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after seven o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. No adjournment or intermission shall be taken except as provided in the case of general elections.

Election Officers.

Sec. 15. The officers for primary elections shall be the same, and shall be appointed in the same manner, as provided by law for general elections, and such officers shall receive the same compensation for their services at primary elections as provided by law for general elections.

It shall be the duty of the proper officers to furnish the original affidavits of registration and indexes for use at primary elections, which shall show the names of all voters entitled to vote at such primary elections, and shall be numbered, for purposes of the primary election, in like manner as provided in Section 1113 of the Political Code. And all the provisions of Section 1096 of the Political Code, so far as they are consistent with the provisions of this act, are hereby made applicable to primary elections within the meaning of this act.

Challenging of Voters.

Sec. 16. Any elector offering to vote at a primary election may be challenged by any elector of the city, city and county or county, upon either or all of the grounds specified in section 1230 of the Political Code, but his right to vote the primary election ticket of the political party designated in his affidavit of registration, as provided in Section 1096 of the Political Code, or his right to vote the non-partisan primary ticket providing no such party is so designated, shall not be challenged on any ground or subjected to any tests other than those provided by the Constitution and Section 1230 of the Political Code of this State.

Who Entitled to Vote.

Sec. 17. Any elector qualified to take part in any primary election, who has, at least thirty days before the day of such primary election, qualified by registration, as provided by Section 1096 of the Political Code, shall be entitled to vote at such primary election, such right to vote being subject to challenge only as hereinbefore provided; and shall, on writing his name or having it written for him on the roster, as provided by law for general elections in this State, receive the official primary election ballot of the political party designated in his affidavit of registration; (or the non-partisan ballot, providing no such party was so designated), and no other; provided, however, that no one shall be entitled to vote at any primary election who has not been a resident of the State one year, and of the county ninety days, preceding the day upon which such primary election is held. He shall be instructed by a member of the board as to the proper method of marking and folding his ballot, and he shall then retire to an unoccupied booth and without undue delay stamp the same with the rubber stamp there found. If he shall spoil or deface the ballot he shall at once return the same to the ballot clerk and receive another.

Stamping of Ballot.

Sec. 18. The voter shall designate his choice on the ballot by stamping a cross (X) in the small square opposite the name of each candidate for whom he wishes to vote. If he shall stamp more names than there are candidates to be nominated for any office, or if for any reason it be impossible to determine his choice for any office, his ballot shall not be counted for such office, but the rest of his ballot, if properly stamped, shall be counted. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice, nor even though such ballot be somewhat soiled or defaced.

Depositing of Vote.

Sec. 19. When a voter has stamped his ballot he shall fold it so that its face shall be concealed and only the printed designation on the back thereof shall be visible, and hand the same to the member of the board in charge of the ballot box. Such folded ballot shall be voted as ballots are voted at general elections, and the name of the voter checked upon the affidavit of registration as having voted as is required at such general elections.

No Adjournment.

Sec. 20. No adjournment or intermission whatever shall take place until the polls shall be closed and until all the votes cast at such polls shall be counted and the result publicly announced, but this shall not be deemed to prevent any temporary recess while taking meals or for the purpose of other necessary delays; provided, that no more than one member of the board shall at any time be absent from the polling place.

Counting of Votes.

Sec. 21. As soon as the polls are finally closed the judges must immediately proceed to canvass the votes cast at such primary election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof declared. Except as hereinafter provided, the canvass shall be conducted, completed and returned as provided by sections one thousand two hundred fifty-three, one thousand two hundred fifty-four, one thousand two hundred fifty-five, one thousand two hundred fifty-six, one thousand two hundred fifty-seven, one thousand two hundred fifty-eight, one thousand two hundred fifty-nine, one thousand two hundred sixty, one thousand two hundred sixty-one, one thousand two hundred sixty-two, one thousand two hundred sixty-three, one thousand two hundred sixty-four, one thousand two hundred sixty-four a, one thousand two hundred sixty-five, one thousand two hundred sixty-six, one thousand two hundred sixty-seven and one thousand two hundred sixty-eight.

of the Political Code of this State; **provided, however,** that the ballots of each party must be sealed and returned in separate envelopes, and the non-partisan ballots must be sealed and returned in another separate envelope. The number of ballots agreeing or being made to agree with the number of names on the lists, as provided by section one thousand two hundred fifty-five of the Political Code, the board must take the ballots from the box, count those cast by each party, and string them separately; count all the votes cast for each party candidate for the several offices and record the same on the tally lists; and count all the votes on all the ballots, both party and non-partisan, for the candidates for judicial, school, county, township, and municipal offices, and record the same on the tally lists.

Election Returns—When and How Canvassed.

Sec. 22. The Board of Supervisors of each county, the Board of Election Commissioners in any city and county, or, in the case of a city or municipal primary election, the officers charged by law with the duty of canvassing the vote at any city or municipal election in such political subdivision, shall meet at the usual place of such meeting, or at any other place permitted by law, at one o'clock in the afternoon of the first Thursday after each primary election to canvass the returns, or as soon thereafter as all the returns are in. When begun the canvass shall be continued until completed, which shall not be later than six o'clock in the afternoon of the sixteenth day following such primary election. The clerk of the board must, as soon as the result is declared, enter upon the records of such board a statement of such result, which statement shall contain the whole number of votes cast for each candidate of each political party, for each candidate for each judicial, school, county, township, or municipal office, for each candidate for delegate, if any, to a State convention from a hold-over senatorial district, and for each candidate for membership in the county central committee; **provided, however,** that in entering the statement of such result, the provisions of subdivision six of section one thousand two hundred eighty-two of the Political Code shall apply, and a duplicate as to each political party shall be delivered to the county, city and county or city chairman of such political party, as the case may be. The clerk shall also make an additional duplicate statement in the same form showing the votes cast for each candidate not voted for wholly within the limits of such county or city and county. The County Clerk or Registrar of Voters in any city and county shall forthwith send to the Secretary of State by registered mail or by express one complete copy of all returns as to such candidates, and as to all candidates voted for wholly within one county for the following offices: State assembly, State senate, representative in congress, members of the State Board of Equalization, judicial officers, except justices of the peace, and delegate, if any, to a State convention from a hold-over senatorial district; and as to all persons voted for at the May presidential primary election. The Secretary of State shall, not later than the twenty-fifth day after any primary election, compile the returns for all candidates voted for in more than one county, and for all candidates for the assembly, State senate, representatives in congress, members of the State Board of Equalization, and judicial offices (except justices of the peace), delegate, if any, to a State convention from a hold-over senatorial district, and for all persons voted for at the May presidential primary election, and shall make out and file in his office a statement thereof. He shall compile the returns for the May presidential primary election not later than the twenty-first day after such election, and shall compile said returns in such a manner as to show, for each candidate, both the total of the votes received and the votes received in each congressional district of the State.

Who Becomes Nominee of Party.

Sec. 23. Except in the case of a candidate for nomination to a judicial, school, county, township or municipal office the person receiving the highest number of votes at a primary election as the candidate for the nomination of a political party for an office shall be the candidate of that party for such office, and his name as such candidate shall be placed on the official ballot voted at the ensuing election; **provided,** he has paid the filing fee as required by section seven of this act; **and provided, further,** that no candidate for a nomination for other than a judicial, school, county, township or municipal office who fails to receive the highest number of votes for the nomination of the political party with which he was affiliated thirty-five days before the date of the primary election, as ascertained by the secretary of state from the affidavit of registration of such candidate in the office of the county clerk of the county in which such candidate resides, shall be entitled to be the candidate of any other political party.

In the case of a judicial, school, county, township, or municipal office, the

candidates, equal in number to twice the number to be elected to such office, or less, if the total number of candidates is less than twice the number of offices to be filled, who receive the highest number of votes cast on all the ballots of all the voters participating in the primary election for nomination to such office, shall be the candidates for such office at the ensuing election, and their names as such candidates shall be placed on the official ballot voted at the ensuing election; **provided, however,** that in case there is but one person to be elected at the November election to any judicial, school, county, or township office, any candidate who receives at the August primary election a majority of the total number of votes cast for all the candidates for such office shall be the only candidate for such office whose name shall be printed on the ballot at the ensuing election; **and provided, further,** that in case there are two or more persons to be elected at the November election to any judicial, school, county, or township office, and in case any candidate for such office receive at the August primary election the votes of a majority of all the voters participating in the primary election in the state or political subdivision in which said office is voted upon, such candidates being herein designated as "majority candidates," said "majority candidates" shall, if their number is equal to the number of persons to be elected to such office, be the only candidates for such office whose names shall be printed on the ballot at the ensuing November election; or if the number of such "majority candidates" is greater than the number of persons to be elected to such office, then the names of such "majority candidates" receiving the highest number of votes, and equal in number to the number of persons to be elected to such office, shall be the only candidates for such office whose names shall be printed on the ballot at the ensuing November election; or, if the number of such "majority candidates" falls short of the number of persons to be elected to such office, then the names of such "majority candidates," if any, shall be printed on the ballot at the ensuing November election in a group (such group being herein designated as "majority group"), said group on the ballot being preceded by the designation of the office and the words "vote for," the blank being filled by a number equal to the number of names in such "majority group," and in addition to the "majority group" there shall be printed on the ballot in a separate group, and separated from such "majority group," such number of additional names only of such other candidates receiving the next highest number of votes for nomination to such office as may equal twice the number of persons to be elected to such office less twice the number of names in the "majority group" (or a smaller number if the list of said other candidates be exhausted), such group to be preceded by the designation of the office and the words "vote for," the blank being filled by a number equal to the number of persons to be elected to such office, less the number of names in the "majority group." In case of a tie vote, the names of all candidates receiving the same number of votes shall appear on the ballot in that group which would have contained any one of them had no tie occurred, whether or not the inclusion of such candidates in any group would cause such group to contain more names than hereinabove provided; and this provision as to tie votes shall, in all cases where two or more persons are to be elected to any office, be applied in lieu of the provisions of section twenty-six of the direct primary law.

Of the candidates for election to membership in the county central committee, the candidates equal in number to the number to be elected receiving the highest number of votes in their supervisorial district or assembly district, as the case may be in accordance with the provisions of subdivision five of section twenty-four of this act, shall be declared elected as the representatives of their district to membership in such committee. It shall be the duty of the officers charged with the canvass of the returns of any primary election in any county, city and county or municipality to cause to be issued official certificates of nomination to such party candidates (other than congressional and legislative candidates, candidates for the state board of equalization, and delegates to the state convention from a holdover senatorial district) as have received the highest number of votes as the candidates for the nomination of such party for any offices to be voted for wholly within such county, city and county, or municipality, and cause to be issued to each delegate elected to the state convention from a holdover senatorial district wholly within one county or city and county and to each member of a county central committee a certificate of his election, said certificates of nomination or election, as the case may be, to be issued immediately upon the completion of the canvass as to such party offices as provided in section twenty-two of this act; and to cause to be issued official certificates of nomination to such candidates for judicial, school, county, township or municipal offices voted for wholly within one county or city and county as may be entitled to nomination

under the provisions of this section. It shall be the duty of the secretary of state to issue official certificates of nomination to candidates nominated under the provisions of this act for representatives in congress, members of the state senate and assembly, members of the state board of equalization, and for all officers voted for in more than one county or city and county; and to issue a certificate of election to each delegate elected to the state convention from a holdover senatorial district comprising more than one county or city and county; and to issue certificates of election to all persons elected at the May presidential primary election as delegates to their respective national party conventions.

Not less than thirty days before the November election the secretary of state shall certify to the county clerks or registrars of voters of each county or city and county within the state, the name of every person entitled to receive votes within such county or city and county at said November election who has received the nomination as a candidate for public office under and pursuant to the provisions of this act, and whose nomination is evidenced by the compilation and statement required to be made by said secretary of state and filed in his office, as provided in section twenty-two of this act. Such certificates shall in addition to the names of such nominees respectively, also show separately and respectively for each nominee the name of the political party or organization which has nominated such person if any and the designation of the public office for which he is so nominated. (Amended Aug. 1, 1921.)

Party Conventions.

Sec. 24. 1. Party conventions of delegates chosen as hereinafter provided may be held in this State, for the purpose of promulgating platforms and transacting such other business of the party as is not inconsistent with the provisions of this act.

State Conventions—How Composed When Called.

2. The candidates of each political party for congressional offices and for State offices, if any, except judicial and school offices, and such candidates for senate and assembly as have been nominated by such political party at the primary election, and in whose behalf nomination papers have been filed, together with the hold-over senators affiliated with and nominated by such political party at the election at which said hold-over senators were elected and one delegate chosen by such political party from each senatorial district not represented by a hold-over senator affiliated with and nominated by such political party at the election at which the hold-over senator was elected, shall meet in a State convention at the State capitol at two o'clock in the afternoon of the third Tuesday in September after the date on which any primary election is held preliminary to the general November election. They shall forthwith formulate the State platforms of their party, which said platform of each political party shall be framed at such time that it shall be made public not later than six o'clock in the afternoon of the following day. They shall also proceed to elect a State central committee to consist of at least three (3) members from each congressional district, who shall hold office until a new State central committee shall have been elected. In each year of the general November election at which electors of President and Vice-President of the United States are to be chosen, they shall also nominate as the candidates of their party as many electors of President and Vice-President of the United States as the State is then entitled to, and it shall be the duty of the Secretary of State to issue certificates of nomination to the electors so nominated, and to cause the names of such candidates for elector to be placed upon the ballots at the ensuing November election.

Membership in the State convention shall not be granted to a party nominee for a congressional office, State office, or office of senator or assemblyman who has become such by reason of his name having been written on a ballot, and who has not had his name printed on the primary ballot by having had a nomination paper filed in his behalf, as provided in section five of this act; nor shall membership in such convention be granted to the nominee of any party if such nominee has not stated his affiliation with such party in his affidavit of registration used at such primary election; and, in every such case, a vacancy in the membership of such convention shall be deemed to exist; and any such vacancy thereby existing, or existing because no nomination for such office has been made, or for any other cause, shall be filled as hereinafter provided. Each candidate who has received the nomination of more than one party for a congressional, State, or legislative office shall procure from the County Clerk of the county in which he resides, a certificate stating the party with which such candidate was affiliated thirty-five days before the date of the primary election, as shown by the affidavit of registration of such candidate in the office of such

County Clerk; and this certificate shall be the credentials of such candidate to membership in the convention of his party.

In any senatorial district represented by a hold-over senator there shall be chosen at such primary election by the electors of each political party, other than the party which the hold-over senator was affiliated with and nominated by, one delegate to the State convention, who shall have nomination papers circulated in his behalf, shall have his name placed upon the ballot, and shall be chosen in the same manner as a State senator is nominated from any senatorial district; but no such delegate shall be disqualified by reason of holding any office, nor shall any filing fee be required in order to have his name placed upon the ballot. The term "hold-over senator" as herein used shall apply to a State senator whose term of office extends beyond the first Monday in January of the year next ensuing after the primary election, and the term "hold-over senatorial district" shall apply to the district represented by such hold-over senator.

In the event that there shall not have been filed any nomination paper for a candidate for any congressional or State office or office of senator or assemblyman or delegate from a hold-over senatorial district by the electors of any political party, or in the event that the nominee of any party for such office has not declared his affiliation with such party, as herein provided, or in the event of the death of the candidate prior to the convention, the vacancy thus created in the State convention of such party shall be filled as follows:

(a) If the vacancy occurs in a senatorial or assembly district situated wholly within the limits of a single county or city and county, by appointment by the newly elected county central committee of such party in such county or city and county.

(b) If the vacancy occurs in a senatorial or assembly district comprising two or more counties, by appointment by the newly selected chairmen of the several newly elected county central committees of such party in such counties.

(c) If the vacancy occurs in a congressional or State office, by appointment by the State central committee of such party.

Such delegate so appointed shall present to the convention credentials signed by the chairman and the secretary of the appointing committee, or by the appointing chairmen of the several committees, as the case may be.

3. Each State central committee may select an executive committee, to which executive committee it may grant all or any portion of its powers and duties. It shall choose its officers by ballot and each committee and its officers shall have the power usually exercised by such committees and the officers thereof in so far as may be consistent with this act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with the provisions of this act.

4. The executive committee of the state central committee of each political party shall, in conjunction with each nominee for congress affiliated with such party, select a congressional committee for the district in which such nominee is a candidate. Such committee shall consist of not less than fifteen nor more than thirty-five members, and shall have charge and conduct of the campaign of such nominee, subject to the supervision of the state central committee of such party.

5. At each August primary election there shall be elected in each county or city and county a county central committee for each political party, which shall have charge of the party campaign under general direction of the State central committee or of the executive committee selected by such State central committee. In any city and county containing more than ten assembly districts the county central committee of such party shall be elected by each assembly district and shall consist of five members from each assembly district in such city and county. In all counties containing five or more assembly districts the county central committee of such party shall be elected by assembly districts and shall consist of one member for each seven hundred votes or fraction thereof in each such assembly district cast for such party's candidate for governor at the last general election at which a governor was elected. In all counties containing less than five assembly districts the county central committee shall be elected by supervisor districts, and the number to be elected from any supervisor district shall be determined as follows: the number of votes cast in such supervisor district for such party's candidate for governor at the last general election at which such governor was elected shall be divided by one-twentieth of the number of votes cast for such governor in such county; and the integer next larger than the quotient obtained by such division shall constitute the number of members of the county central committee to be elected by such party in said

supervisor district. The County Clerk or Registrar of Voters in each county or city and county shall, between the first Monday and the second Monday of June next preceding the primary election, compute the number of members of the county central committee allotted to each assembly district or supervisor district, as the case may be, by the provisions of this subdivision. Each candidate for member of a county central committee shall appear upon the ballot upon the filing of a nomination paper according to the provisions of section five of this act, signed in his behalf by the electors of the political subdivision in which he is a candidate, as above provided; and the number of candidates to which each party is entitled, as hereinbefore provided, in each political subdivision, receiving the highest number of votes shall be declared elected; but no candidate for county committeeman shall be declared elected unless he shall have received votes equal in number to the minimum of signatures to the nomination paper which would have been required to place his name on the primary ballot as a candidate for member of the county committee. Each county central committee shall meet in the courthouse at its county seat on the second Tuesday in September following the August primary election, and shall organize by selecting a chairman, a secretary and such other officers and committees as it shall deem necessary for carrying on the campaign of the party.

6. No person shall be eligible for appointment or election to the state, county or district committee of any party who is not registered as affiliated with such party at the time of such appointment or election. In the event of the appointment or election to any party committee of an ineligible person, or whenever any member of any such committee dies, resigns or become incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of such committee's party, a vacancy shall exist, which shall be filled by appointment by the chairman of the committee in which such ineligibility or vacancy occurs. (Amended April 11, 1919.)

Withdrawal of Candidate Whose Name Has Been Written In and How Vacancies Are Filled.

Sec. 25. No candidate whose nomination papers have been filed for any primary election can withdraw as a candidate at such primary election. No candidate nominated at any primary election can withdraw as a candidate at the ensuing general election except such as are permitted to withdraw by this section. In case as a result of any primary election a person has received a nomination to any office without first having nomination papers filed, and having his name printed on the primary election ballot, he may at least thirty-one days before the day of election cause his name to be withdrawn from nomination by filing in the office where he would have filed his nomination papers had he been a candidate for nomination, his request therefor in writing, signed by him and acknowledged before the County Clerk of the county in which he resides; and no name so withdrawn shall be printed on the election ballot for the ensuing general election. The vacancy created by the withdrawal of such person as aforesaid, or on account of the ineligibility of such person to qualify as a candidate because of the inhibitions of subdivision nine of section five of this act, or by reason of the failure of a party to nominate any candidate for the office at the primary election, or for any other cause shall not be filled except in the following cases:

1. By reason of the death of a candidate occurring at least twenty-five days before the date of the next ensuing November election.

2. By reason of the disqualification of a candidate occurring on account of the failure of such candidate to secure the nomination in his own party as required by section twenty-three of this act.

Vacancies occurring by reason of such death of any candidate, or because of such disqualification imposed by section twenty-three of this act, may, in the case of legislative offices, be filled by the newly elected county central committee or committees of the party in which such vacancy occurs, in the county or counties comprising the legislative district of such deceased or disqualified candidate; and in the case of all other district or state offices requiring party nomination, by the newly selected state central committee of such party.

If such vacancy occurs among candidates chosen at the primary election to go on the ballot for the succeeding general election for a judicial, school, county, township, or municipal office according to the provisions of section twenty-three of this act, in which case that candidate receiving at said primary election the highest vote among all the candidates for said office who have failed to receive a sufficient number of votes to get upon said ballot according to the provisions of said section twenty-three, shall go upon said ballot to fill said vacancy; provided, however, that if the vacancy occurs in a case where, by reason of having

received a majority vote at the primary election, only one person is entitled to have his name printed upon the ballot at the ensuing November election, the names of the two candidates receiving the next highest vote at the primary election, if there were such number, shall be placed upon the ballot for the November election; and provided, further, that a vacancy authorized to be filled by the provisions of this section shall be filled and certified to the officer charged with the duty of printing the ballots twenty-five days before the day of election.

Whenever a nomination paper containing a sufficient number of signatures has been filed for any person as a candidate to be voted for at a primary election, the name of such person must be printed upon the ballot or ballots of such primary election as hereinbefore provided in section twelve of this act, unless such person has died and such fact has been ascertained, by the officer charged with the duty of printing the ballot, at least twenty-five days before the day of election.

Whenever a candidate has been nominated at any primary election after having nomination papers filed, the name of such candidate must be printed upon the ballot at the ensuing general election unless such candidate has died and such fact has been ascertained, by the officer charged with the duty of printing the ballots, at least twenty-five days before the day of election.

Whenever, upon the death or disqualification of any candidate, the vacancy thereby created is filled by a party committee, a certificate to that effect shall be filed with the officer with whom a nomination paper for such office may be filed, and shall be accepted and acted upon by him as in the case of such nomination paper. (Amended April 11, 1919.)

Tie Vote.

Sec. 26. In case of a tie vote, if for an office to be voted for wholly within one county or city and county, the county, city and county or city board, as the case may be, shall forthwith summon the candidates who have received such tie votes to appear before such board, at a time and place to be designated by said board, and such board shall at said time and place determine the tie by lot. In the case of a tie vote for an office to be voted on in more than one county, the secretary of state shall forthwith summon the candidates who have received such tie votes to appear before him at his office at the state capitol at a time to be designated by him and said secretary of state shall at said time and place determine the tie by lot. Such summons must in every case be mailed to the address of the candidate as it appears upon his affidavit of registration, at least five days before the date fixed for the determination of such tie vote. (Amended April 11, 1919.)

Correction of Errors in Ballot.

Sec. 27. Whenever it shall be made to appear by affidavit to the Supreme Court or District Courts of Appeal or Superior Court of the proper county that an error or omission has occurred or is about to occur in the placing of any name on an official primary election ballot, that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, County Clerk, Registrar of Voters in any city and county, canvassing board or any member thereof, or other person charged with any duty concerning the primary election, or that any neglect of duty has occurred or is about to occur, such court shall order the officer or person charged with such error, wrong or neglect to forthwith correct the error, desist from the wrongful act or perform the duty, or forthwith show cause why he should not do so. Any person who shall fail to obey the order of such court shall be cited forthwith to show cause why he shall not be adjudged in contempt of court.

Method of Contesting Primary Election.

Sec. 28. Any candidate at a primary election, desiring to contest a nomination of another candidate for the same office, may, within five days after the completion of the official canvass, file an affidavit in the office of the clerk of the superior court of the county in which he desires to contest the vote returned from any precinct or precincts in such county, and thereupon have a recount of the ballots cast in any such precinct or precincts, in accordance with the provisions of this section. Such affidavit must specify separately each precinct in which a recount is demanded, and the nature of the mistake, error, misconduct, or other cause why it is claimed that the returns from such precinct do not correctly state the vote as cast in such precinct, for the contestant and the contestee. The contestee must be made a party respondent, and so named in the affidavit. No personal service or other service than as herein provided need be made upon the contestee. Upon the filing of such affidavit the county clerk

shall forthwith post in a conspicuous place in his office a copy of the affidavit. Upon the filing of such affidavit and the posting of the same, the superior court of the county shall have jurisdiction of the subject matter and of the parties to such contest, and all candidates at any such primary election are permitted to be candidates under this act, only upon the condition that such jurisdiction for the purpose of the proceeding authorized by this section shall exist in the manner and under the conditions provided for by this section. The contestant on the date of filing such affidavit, must send by registered mail a copy thereof to the contestee in a sealed envelope, with postage prepaid, addressed to the contestee at the place of residence named in the affidavit of registration of such contestee, and shall make an affidavit of such mailing and file the same with the county clerk to become a part of the records of the contest. At any time within three days after the filing of the affidavit of the contestant to the effect that he has sent by registered mail a copy of the affidavit to the contestee, such contestee may file with the county clerk an affidavit in his own behalf, setting up his desire to have the votes counted in any precincts, designating them, in addition to the precincts designated in the affidavit of the contestant, and setting up his grounds therefor. On the trial of the contest all of the precincts named in the affidavits of the contestant and the contestee shall be considered, and a recount had with reference to all of said precincts; and the contestant shall have the same right to answer the affidavit of the contestee as is given to the contestee herein with reference to the affidavit of the contestant except that such answer must be filed not later than the first day of the trial of said contest. On the eighth day after the completion of the official canvass the county clerk shall present the affidavits of the contestant and the contestee and proof of posting, as aforesaid, to the judge of the superior court of the county, or any judge acting in his place, or the presiding judge of the superior court of a county or city and county, or any one acting in his stead, which judge shall, upon such presentation, forthwith designate the time and place where such contest shall proceed, and in counties or cities and counties where there are more than one superior judge, assign all the cases to one department by the order of such court. Such order must so assign such case or cases, and fix such time and place for hearing, which time must not be less than one nor more than three days from the presentation of the matter to the court by the county clerk as herein provided. It shall be the duty of the contestee to appear either in person or by attorney, at the time and place so fixed, and to take notice of the order fixing such time and place from the records of the court, without service. No special appearance of the contestee for any purpose except as herein provided shall be permitted, and any appearance whatever of the contestee or any request of the court by the contestee or his attorney, shall be entered as a general appearance in the contest. No demurrer or objection can be taken by the parties in any other manner than by answer, and all the objections must be contained in the answer. The court if the contestee shall appear, must require the answer to be made within three days from the time and place as above provided, and if the contestee shall not appear shall note his default, and shall proceed to hear and determine the contest with all convenient speed. If the number of votes which are sought to be recounted, or the number of contests are such that the judge shall be of opinion that it will require additional judges to enable the contest or contests to be determined in time to print the ballots for the election, if there be only one judge for such county, he may obtain the service of any other superior judge, and the proceedings shall be the same as herein provided in counties where there is more than one superior court judge. If the proceeding is in a county or city and county where there is more than one superior court judge, the judge to whom the case or cases shall be assigned, shall notify the presiding judge forthwith, of the number of judges which he deems necessary to participate, in order to finish the contest or contests in time to print the ballots for the final election, and the said presiding judge shall forthwith designate as many judges as are necessary to such completion of such contest, by order in writing, and thereupon all of the judges so designated shall participate in the recount of such ballots and the giving of judgment in such contest or contests in the manner herein specified. The said judges so designated by said last mentioned order, including the judge to whom said contests were originally assigned, shall convene upon notice from the judge to whom such contest or contests were originally assigned, and agree upon the precincts which each one of such judges will recount, sitting separately, and thereupon such recount shall proceed before each such judge sitting separately, as to the precincts so arranged, in such manner that the recount shall be made in such precincts before each such judge as to all the contests pending, so that the ballots

opened before one judge need not be opened before another judge or department, and the proceedings before such judge in making such recount as to the appointment of the clerk and persons necessary to be assistants of the court in making the same, shall be the same as in contested elections, and the judge shall fix the pay or compensation for such persons, and require the payment each day in advance of the amount thereof, by the person who is proceeding with and requiring the recount of the precinct being recounted. When the recount shall have been completed in the manner herein required, if more than one judge has taken part therein, all the judges who took part shall assemble and make the decision of court, and if there be any differences of opinion, a majority of such judges shall finally determine all such questions, and give the decision or judgment of the court in such contest or contests, separately. Such decision or judgment of the court shall be final in every respect, and no appeal can be had therefrom. The judgment shall be served upon the county clerk or registrar of voters by delivery of a certified copy thereof, and may be enforced summarily in the manner provided in section twenty-seven of this act, and if the contest proceeds in more than one county, and the nominee is to be certified by the secretary of state from the compilation of election returns in his office, then the judgment in each county in which a contest may be had shall show what, if any changes in the returns in the office of the secretary of state relating to such county or city and county, ought to be made, and all such judgments shall be served upon the secretary of state, by the delivery of a certified copy, and he shall make such changes in the record in his office as such judgment or judgments require, and conform his compilation and his certificate of nomination in accordance therewith. If the office contested is one to be voted upon in more than one county, the time within which such contest may be brought in any county involved shall begin to run at the time of the declaration of the official canvass by the board of supervisors of the county last making such declaration.

List of Lawful Expenses for Candidates.

Sec. 29. No candidate for nomination to any elective office, including that of United States Senator in Congress, shall directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for lawful expenses. Lawful expenses as used in this section are limited to expenses for the following purposes only:

1. For the candidate's official filing fee.
2. For the preparing, printing, circulating, and verifying of nomination papers.
3. For the candidate's personal traveling expenses.
4. For rent and necessary furnishing of halls or rooms, during such candidacy, for public meetings or for committee headquarters.
5. For payment of speakers and musicians at public meetings and their necessary traveling expenses.
6. For printing and distribution of pamphlets, circulars, newspapers, cards, handbills, posters and announcements relative to candidates or political issues or principles.
7. For his share of the reasonable compensation of challengers at the polls.
8. For making canvasses of voters.
9. For clerk hire.
10. For conveying infirm or disabled voters to and from the polls.
11. For postage, expressage, telegraphing, and telephoning, relative to candidacy.

Verified Statement of Candidate's Expenditure.

Sec. 30. Every person who shall be a candidate for nomination to any elective office shall make in duplicate, within fifteen days after the primary election, a verified statement, setting forth each and every sum of money contributed, disbursed, expended or promised by him, and, to the best of his knowledge and belief, by any and every other person or association of persons in his behalf wholly or partly in endeavoring to secure his nomination. This statement must show in detail all moneys paid, loaned, contributed, or otherwise furnished to him directly or indirectly in aid of his nomination, together with the name of the person or persons from whom such moneys were received; and must also show in detail, under each of the subdivisions of section twenty-nine of this act, all moneys contributed, loaned, or expended by him directly or indirectly by himself or through any other person, in aid of his nomination, together with the name of the person or persons to whom such moneys were paid,

or disbursed. Such statement must set forth that the affiant has used all reasonable diligence in its preparation, and that the same is true and is as full and explicit as he is able to make it. Within the time aforesaid the candidate shall file one copy of said statement with the officer with whom his nomination papers were filed, and the other with the recorder of the county or city and county in which he resides, who shall record the same in a book to be kept for that purpose, and to be open to public inspection. No officer shall issue any certificate of nomination to any person until such statement as herein provided has been filed and no other statement of expenses shall be required except that provided herein, and no fee or charges whatsoever shall be made or collected by any officer for the verifying, filing or recording of such statements or a copy thereof.

Penalty for Illegal Election Expenditures.

Sec. 31. Any person violating any of the provisions of section 29 or section 30 of this act shall be guilty of a misdemeanor, and upon trial and conviction thereof, in addition to the sentence imposed by the court, he shall forfeit all right to the office for which he was a candidate at the time of violating the provisions aforesaid.

Sec. 32. 1. Any person who shall offer, or with knowledge of the same permit any person to offer for his benefit, any bribe to a voter to induce such voter to sign any nomination paper, and any person who shall accept such bribe or any promise of gain of any kind in the nature of a bribe as consideration for signing any nomination paper, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after signing, shall be guilty of a misdemeanor and upon trial and conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than one hundred and twenty days, or by both such fine and imprisonment.

Penalty for Suppressing Nomination Papers.

2. Any person who, being in possession of any nomination paper or papers and affidavits entitled to be filed under the provisions of this act, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time and in the proper place shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

3. Any act or omission declared to be an offense by the general laws of this State concerning primaries and elections shall also in like case be an offense concerning primary elections as provided for by this act, and shall be punished in the same manner and form as therein provided, and all the penalties and provisions of the law governing elections, except as herein otherwise provided, shall apply in equal force to primary elections as provided for by this act.

Preparation of Forms.

Sec. 33. It shall be the duty of the secretary of state and the attorney general to prepare on or before September 1, 1917, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primary elections held in pursuance hereof.

Name of Act.

Sec. 34. This act shall be known as the direct primary law.

Sec. 35. If any section, subdivision, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more other sections, subdivisions, sentences, clauses, or phrases be declared unconstitutional.

COSOLIDATION OF ELECTIONS

An Act to Permit the Consolidation of Elections and to Provide a Procedure Therefor.

(Approved June 11, 1913.)

Consolidation of Elections on Same Day.

Section 1. Whenever two or more elections are called to be held on the same day, in the same territory, or in territory that is in part the same, such elections may be consolidated in the manner provided by this act.

Sec. 2. Any such two or more elections, whether held under a freeholders' charter or under any State law, or both, may be so consolidated and different elections called by the same governing body may be so consolidated.

Authority to Consolidate.

Sec. 3. Such elections may be consolidated as to territory which is the same by order of the governing body or bodies calling the elections; and where one of the elections to be consolidated is a State election, the Board of Supervisors of the county wherein said consolidation may be had shall have authority to order such consolidation, as respects such State election.

Voting Places, Offices, Returns, Etc.

Sec. 4. Within the territory affected by such order of consolidation, the election precincts, polling places and voting booths shall, in every case, be the same and there shall be only one set of election officers in each of such precincts. When the returns of elections consolidated under this act are required to be canvassed by different canvassing bodies, such elections shall be conducted separately in the same manner as if they had not been consolidated, except as in this section provided; and **provided, further**, that in case of the consolidation of an election called by the legislative body of a city with an election called by the Board of Supervisors of the county in which such city is situated, the governing body of such city, in the ordinance or notice calling such election, may authorize such Board of Supervisors to canvass the returns of such election, and such election shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat; and the returns of such election need not be canvassed by the legislative body of such city. When the returns of any two or more elections consolidated under this act are required to be canvassed by the same body, such elections shall be held in all respects as if there were only one election, and only one ticket or ballot shall be used thereat. (Amended June 4, 1915.)

Appointment of Officers.

Sec. 5. When elections are consolidated under the provisions of this act, the governing body or bodies ordering such consolidation may, in the territory affected thereby, provide for the appointment of officers of election, for the formation of precincts for such elections and the expenses of said election.

Act of 1911 Not Repealed.

Sec. 6. Nothing in this act shall be so construed as to repeal an act of the Legislature of the State of California, entitled, "An act to provide for the regulation of the traffic in alcoholic liquors by establishing local option; authorizing the filing of petitions praying for elections to vote upon the question whether the sale of alcoholic liquors shall be licensed within the territory described in such petitions; providing for the calling and holding of such elections; making it the duty of the proper governing body to declare such territory to be no-license territory unless a majority of votes is cast in favor of license; providing that no licenses, permits or other authority to sell or distribute alcoholic liquors in no-license territory shall be granted; forfeiting and declaring void all such licenses or permits theretofore issued and in force; making it a penal offense to sell, give away or distribute alcoholic liquors within such territory, with certain exceptions; and providing penalties for such offenses." (Approved April 4, 1911.)

PURITY OF ELECTION ACT

(Approved March 19, 1907.)

Itemized Statement to Be Filed by Candidate.

Section 1. Every candidate who is voted for at any public election held within the State shall, within fifteen days after the day of holding such election, file, as hereinafter provided, an itemized statement, showing in detail all moneys paid, loaned, contributed, or otherwise furnished to him, or for his use, directly or indirectly, in aid of his election, and all money contributed, loaned, or expended by him, directly or indirectly by himself or through any other person, in aid of his election. Such statement shall give the names of the various persons who paid, loaned, contributed, or otherwise furnished such moneys in aid of his election, and the names of the various persons to whom such moneys were contributed, loaned or paid, the specific nature of each item, the service performed, and by whom performed, and the purpose for which the money was expended, contributed or loaned. If the candidate seeks to avoid the responsibility of any illegal payment made by any other person in his behalf, he shall set out such illegal payment and disclaim responsibility therefor. Candidates for office to be filled by the electors of the State, or of any political division thereof greater than a county, and for members of the Senate and Assembly, Representative in Congress, or members of the State Board of Equalization, or State Board of Railroad Commissioners, shall file their statements in the office of the Secretary of State. Candidates for all other offices shall file their statements in the office of the clerk of the county wherein the election is held, and within which the duties of the office for which the candidate is voted for are to be exercised. The statement of a committee or candidate shall be recorded in the office of the County Recorder, and shall, after being filed, become a public record, and open at all times to public inspection and no fee or charge whatsoever shall be collected or made by any officer herein specified for filing or recording any statement required to be filed or recorded under the provisions of this act. Vouchers must be filed for all expenditures, except in the case of sums under five dollars. (Amended June 6, 1913.)

Duty of Committee.

Sec. 2. Every committee organized for the purpose, or charged with the duty of conducting the election campaign of any political party, or of any candidate or candidates, shall appoint a treasurer, who shall receive and disburse all moneys contributed for such campaign purposes, and keep a true account thereof, and shall, in the same manner as herein required of candidates, file an itemized statement of all money received or disbursed by him as such treasurer.

What Are Legitimate Expenses.

Sec. 3. No sum of money shall be paid and no expense incurred by or on behalf of any candidate or campaign committee as defined in section two of this Act, or any body of superior authority, to which such committee is subject, if any, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, except for the expenses of holding and conducting public meetings for the discussion of public questions, and of printing and circulating specimen ballots, handbills, cards, and other papers previous to such election, and of advertising and of postage, expressage, telegraphing, and telephoning, and of supervising the registration of voters, and watching the polling or counting of votes cast at such election, and of salaries of persons employed in transacting business at office or headquarters and necessary expenses of maintaining the same, and for rent of rooms necessary for the transaction of the business of candidates or committee, or superior authority to which such committee is subject, if any, and for necessary incidental expenses, which shall not exceed the sum of one hundred dollars if expended by a candidate, or one thousand dollars, if expended by a committee; and no sum shall be paid and no expense shall be incurred, directly or indirectly, by or on behalf of a candidate, whether before, during, or after an election, on account of or in respect of the conduct and management of an election at which he is a candi-

date in excess of the maximum amount following, that is to say: If the term of the office for which the person is a candidate be for one year or less, five per centum of the amount of one year's salary of the office; if the term be for more than one year, and not more than two years, ten per centum of the amount of one year's salary of the office; if the term be for more than two years, and not more than three years, fifteen per centum of the amount of one year's salary of the office; if the term be for more than three years and not more than four years, twenty per centum of the amount of one year's salary of the office; if the term be for more than four years ten per centum of the amount of one year's salary of the office; if the office be one for which, in lieu of a salary, there is allowed per diem, for a statutory period, or for the number of days actually engaged in the performance of public duties, twenty-five per centum of the amount to accrue for the statutory period; if the office be one for which in lieu of a salary, a yearly sum is allowed the officer for all the expenses of his office, the expenditures of the candidate for such office shall not exceed the amount of ten per centum of the allowance for such office for one year; if the office be one for which no salary or compensation is allowed, except fees, or a salary not exceeding nine hundred dollars per annum and fees, the expenditures of the candidate for such office shall not exceed the amount of one hundred and fifty dollars; if the office be one for which no salary or compensation is allowed, or for which a per diem is allowed for the days actually employed in the performance of a public duty, the expenditures of the candidate for such office shall not exceed one hundred dollars; if the candidate is also at the same time a candidate for an unexpired term, he shall not pay or expend any sum on account of such unexpired term, but the maximum amount to be expended by such candidate shall be as herein above provided.

When Claims Must Be Presented.

Sec. 4. Every claim payable by a committee as defined in section two of this Act on account of or in respect of any expense incurred in the conduct and management of an election held within this State, or on behalf of the candidates of the political party, organized assemblage, or body which such committee represents, must be presented to the committee within ten days after the return day of the election, and if not so presented, the same shall not be paid, and no action shall be commenced or maintained thereon, and all expenses incurred as aforesaid shall be paid within fifteen days after the completion of such official canvass, and not otherwise. Every claim in respect of any expenses incurred by or on behalf of a candidate at an election held within this State on account of or in respect of the conduct or management of such election shall be presented to such candidate within ten days after the day of election, and if not so presented, the same shall not be paid, and no action shall be instituted or maintained thereon; and all such expenses incurred as aforesaid must be paid within twelve days after the day of election, and not otherwise. Any person who makes a payment in contravention of this section, except where such payment is allowed, as provided by this Act, is guilty of a misdemeanor.

Claims Presented After Time Limit.

Sec. 5. The Superior Court of the county in which such statement is filed or is required to be filed, may, on the application of either the committee or candidate, or a creditor of either allow any claim, not in excess of the maximum amount allowed by this Act, to be presented and paid after the time limited by this Act; and a statement of any sum so paid, with a certificate of its allowance, shall forthwith, after payment, be filed by the committee or candidate in the same office as the original statement of the committee or candidate. If the candidate or committee, upon such application, shall show to the satisfaction of said court that any error or false recital in such statement, or that the failure to make such statement or to present, within the designated time, a claim otherwise just and proper, has been occasioned by the absence or illness of such candidate, or by the absence, illness or death of one or more members of such committee, or by the misconduct of any person other than such applicant, or by inadvertence or excusable neglect, or of any reasonable cause of like manner, and not by reason of any want of good faith on the part of the applicant, the court may, after such notice of the application as the court shall require, and on the production of such evidence of the facts stated in the application as shall be satisfactory to such court, by order, allow such statement to be filed, or such error or false recital therein to be corrected, or such claims to be paid, as to the court seems just; and such order shall relieve the applicant from

any liability or consequences under this Act in respect of the matters excused by the order. If the application is made by a creditor, the court may, under like conditions and upon a like showing, order the claim to be paid, and the creditor shall also be entitled to his costs. The claims of one or more creditors may be united in such application, but the amount and specific nature of each claim must be fully stated.

Rooms Must Not Be Rented Where Intoxicating Liquors Are Sold.

Sec. 6. No payment of any money shall be made by a committee or candidate for the rent of any premises to be used as a committee room or headquarters, or for holding a meeting, or for the purpose of promoting the election of a candidate, or on account of, or in respect to the conduct or management of, an election, where intoxicating liquors are sold for consumption on the premises, or where intoxicating liquor is supplied to members of any club, society, or association; provided, that nothing in this section shall apply to any part of such premises which is ordinarily let for the purposes of offices, or for holding public meetings, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

Name of Printer.

Sec. 7. Every bill, placard, poster, pamphlet or other printed matter having reference to an election, or to any candidate, shall bear upon the face thereof the name and address of the printer and publisher thereof, and no payment therefore shall be made or allowed unless such address is so printed.

Act of 1893 Repealed.

Sec. 8. An Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893, and all other Acts and parts of Acts inconsistent with this Act are hereby repealed; provided, that no provision of this Act shall be construed so as to repeal any provision of Title IV of Part I of the Penal Code, entitled "Of crimes against the elective franchise."

Persons Offending, Guilty of Misdemeanor.

Sec. 9. Any person offending against any of the provisions of this Act shall be guilty of a misdemeanor, and be dealt with as provided in the Penal Code.

Who Is Competent Witness.

Sec. 10. A person offending against any provisions of this Act is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding, or lawful investigation or judicial proceeding, in the same manner as any other person. If such person demands that he be excused from testifying on the ground that his testimony may incriminate himself, he shall not be excused, but in that case the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying, except for perjury in giving such testimony, and he shall not thereafter be liable to indictment or presentment by information, nor to prosecution or punishment for the offense with reference to which his testimony was given. No person shall be exempt from indictment, presentment by information, prosecution or punishment for the offense with reference to which he may have testified as aforesaid when such person so testifying does so voluntarily or when such person so testifying fails to ask to be excused from testifying on the ground that his testimony may incriminate himself, but in all such cases the testimony so given may be used in any prosecution or proceeding, civil or criminal, against the person so testifying. Any person shall be deemed to have asked to be excused from testifying under this section unless, before any testimony is given by such a witness, the judge, foreman or other person presiding at such trial, hearing, proceeding or investigation, shall distinctly read this section to such witness, and the form of the objection by the witness shall be immaterial if he in substance makes objection that his testimony may incriminate himself, and he shall not be obliged to object to each question, but one objection shall be sufficient to protect such witness from prosecution for any offense concerning which he may testify upon such trial, hearing, proceeding or investigation.

An Act to protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law.

(Approved March 2, 1897.)

Candidates Not to Be Solicited.

Section 1. It shall be unlawful for any person, either indirectly or as an officer or member of any committee or association, to demand or solicit of any candidate for the Legislature, or of any candidate for Supervisor, or of any candidate for School Director, or of any candidate for any legislative body, that he shall vote for any particular bill or specific measure which may come before any such legislative body to which he may be elected; provided always, that this inhibition shall not in any case apply to the pledges exacted of a candidate by the platform or resolutions of any convention by which any such candidate may be nominated.

Not to Sign Pledges.

Sec. 2. It shall be unlawful for any candidates for the Legislature, or for any candidate for Supervisor, or for any candidate for School Director, or for any candidate for any other legislative body, to sign or give any pledge that he will vote for any particular bill or specific measure that may be brought before any such legislative body; provided always, that this prohibition shall not apply to any pledge or promise that any such candidate may give to a convention by which he may be nominated for any such office, or to those who may sign a certificate for his nomination.

Penalty.

Sec. 3. Any person violating any provision of this Act shall be deemed guilty of a misdemeanor, and any candidate violating any provision of this Act, shall, in addition, be disqualified from holding the office to which he may be elected.

LEGISLATIVE COUNCIL BUREAU

**An Act to Establish a Legislative Council Bureau. (Approved May 26, 1913.
Amended April 10, 1915.)**

Sec. 2. It shall be the duty of the chief of the legislative counsel bureau, and the work of that bureau, to prepare and assist in the preparation, amendment and consideration of legislative bills when requested or upon suggestion as herein provided. He shall devote his whole time and attention to forwarding the work of the bureau, and it shall be his duty to make such study as said bureau may direct of the laws of this State and other States as may better enable the bureau to do its work, and advise as occasion may arise as to needed revision of the statutes. It shall also be the duty of the chief of the legislative counsel bureau, whenever in his judgment there is reasonable probability that an initiative measure will be submitted to the voters of the State of California under the laws of the State relating to the submission of measures by initiative, to co-operate with the proponents of said measure in the preparation of said law when requested in writing so to do by twenty-five or more electors proposing such a measure.

An act prohibiting employers of labor from interfering with the political activities of their employees and providing penalties for a violation hereof.

(Approved April 10, 1915.)

Section 1. It shall be unlawful for any employer of labor to make, adopt or enforce any rule, regulation or policy forbidding or preventing his employees, or any of them, from engaging or participating in politics or from becoming candidates or a candidate for public office, or controlling or directing, or tending to control or direct the political activities or affiliations of such employees or any of them; or to coerce or influence or attempt to coerce or influence such employees or any of them through or by means of threat of discharge or loss of employment to adopt or follow or refrain from adopting or following any particular course or line of political action or political activity. The expression "employer of labor" as herein used shall be deemed to mean and include any person, firm or corporation regularly having in his or its employ twenty or more employees.

Sec. 2. Any employer violating the provisions of this act shall upon conviction thereof, if an individual, be punishable by imprisonment in the county jail for not to exceed one year or by a fine of not to exceed one thousand dollars or by both such fine and imprisonment, and, if a corporation, by a fine of not to exceed five thousand dollars. In all prosecutions hereunder the person, firm or corporation violating this act, shall be held responsible for the acts of his or its managers, officers, agents and employees.

Sec. 3. Nothing herein contained shall be construed to prevent the injured employee from recovering damages from his employer for injury suffered through a violation of this act.

An act providing for publicity of contributions and expenditures made for the purpose of influencing electors for or against any proposition voted upon throughout the state, and providing penalties for violation of the provisions hereof.

Section 1. Words and phrases when used in this act shall, unless such construction be inconsistent with the context, be construed as follows:

1. The word "association" means and includes any person and any committee, firm, association, public or private corporation or other group of persons, whether incorporated or not, that collects, raises or receives moneys, or receives promises of money aggregating from all sources a sum in excess of one thousand dollars, or that expends his, its or their own money or funds, in excess of one thousand dollars, for the payment of expenses in a campaign to influence the action of the electors for or against the adoption of any initiative or referendum measure proposed constitutional amendment, bond act or any other proposition voted upon by the electors of the state at an election held throughout the state.

2. The word "expenses" means and includes the cost of circulating, or securing signatures to, initiative or referendum petitions, of holding and conducting public meetings, of printing and circulating specimen ballots, handbills, cards, and other papers previous to an election and of advertising, postage, expressage, telegraphing, telephoning and all salaries and expenses of campaign managers, lecturers, solicitors and agents and salaries and expenses of all persons employed in transacting business at headquarters or branch offices and expenses of maintaining the same, and for the renting of rooms for the transaction of the business of an association.

3. The word "treasurer" means and includes the treasurer, manager, secretary, agent, board of trustees, board of directors or other person or persons, who is or are in fact charged with the work, duty, or responsibility of collecting, managing or expending the funds of an association.

Sec. 2. Not more than forty-five days nor less than forty days prior to an election every association shall file in triplicate in the office of the secretary of state an itemized, detailed and verified statement of receipts and expenses showing:

1. The name and address of each person, firm or corporation that has contributed, promised, loaned or advanced to such association or for its use directly or indirectly any money or the equivalent of money aggregating in value the sum of twenty-five dollars and the amount or sum contributed, promised, loaned or advanced by each.

2. The total sum contributed, promised, loaned or advanced to such association or for its use directly or indirectly in amounts of less than twenty-five dollars.

3. The total sum contributed, promised, loaned or advanced by such association from its funds or money, or contributed, promised, loaned or advanced to such association, or for its use directly or indirectly from all sources regardless of the amount of single or individual contributions.

4. The name and address of each person, firm or corporation to whom or which such association has contributed, disbursed, distributed, loaned, advanced, or promised any sum of money or the equivalent of money in the amount of ten dollars or more and the amount so contributed, disbursed, distributed, loaned, advanced or promised in each instance.

5. The total sum contributed, disbursed, distributed, loaned, advanced or promised by the association to any person, firm or corporation in amounts of less than ten dollars each.

6. The total sum contributed, disbursed, distributed, loaned, advanced, or promised by the association to any and all persons for any and all expenses whatsoever.

Sec. 3. Not more than twelve days nor less than seven days prior to an election, every association must file in triplicate in the office of the secretary of state an itemized, detailed and verified statement showing as of the date of said subsequent filing all matters and information required under section two of this act not included in said previous statement; **provided, however**, that said second statement shall contain and include a recapitulation showing the totals of the various items required in the respective subdivisions in section two of this act.

Sec. 4. Within thirty days next succeeding the date of the election each association must file in triplicate in the office of the secretary of state an itemized, detailed and verified statement showing as of the date of said last named filing, all matters and information required under section two of this act not included in said previous statements; **provided, however**, that said third statement shall contain a recapitulation showing the totals of the various items required in the respective subdivisions in section two of this act.

Sec. 5. The secretary of state, upon the filing in triplicate of the respective statements in this act required, shall forthwith transmit one of said triplicate copies to the county clerk of Los Angeles county, and one of said triplicate copies to the county clerk of the city and county of San Francisco. The secretary of state shall furnish like copies to any other county clerk upon demand. Such copies furnished to such county clerks shall be kept on file and shall be open to public inspection.

Sec. 6. Every association, as in this act defined, whether an individual or group of persons, incorporated or unincorporated, and each treasurer, managing or disbursing officer or agent thereof that violates any of the provisions hereof shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail

not exceeding one year, or by both such fine and imprisonment, one-half of said fine to be paid to the informer and one-half to be paid into the county treasury.

Sec. 7. In addition to the penalty hereinabove prescribed, each association, whether an individual or a group of persons, incorporated or unincorporated, and each treasurer, managing or disbursing officer or agent thereof that violates any of the provisions hereof shall be liable to a penalty of one thousand dollars to be recovered in a civil action brought by any citizen of the state; **provided, however,** that not more than one such civil penalty may be recovered for a single offense. No statute of limitations shall apply to the bringing of an action under this section. (Approved June 1, 1921; amended June 15, 1923.)

PENAL CODE

TITLE IV. OF CRIMES AGAINST THE ELECTIVE FRANCHISE.

Acting As Election Officer.

Sec. 40. Any person who acts as an election officer at any election, without first having been appointed and qualified as such, and any person who, not being an election officer, performs or discharges any of the duties of an election officer, in regard to the handling or counting or canvassing of any ballots cast at any election, shall be guilty of a felony, and on conviction be punished by imprisonment in the State Prison for not less than two nor more than seven years. (In effect March 26, 1895.)

Violation of the Law a Felony.

Sec. 41. Every person charged with the performance of any duty, under the provision of any law of this State relating to elections, who willfully neglects or refuses to perform it, or who, in his official capacity, knowingly and fraudulently acts in contravention or violation of any of the provisions of such laws, is, unless a different punishment for such acts or omissions is prescribed by the Code, punishable by fine not exceeding one thousand dollars, or by imprisonment in the State Prison not exceeding five years, or by both.

Fraudulent Registration.

Sec. 42. Every person who willfully causes, procures, or allows himself to be registered in any register of electors required by law to be made or kept, knowing himself not to be entitled to such registration, is punishable by imprisonment in the State Prison for not less than one nor more than three years. (Amended March 3, 1905.)

Assisting in Fraudulent Registration.

Sec. 42a. Every person who willfully causes, procures, or allows any other person to be registered in any register of electors required by law to be made or kept, knowing him not to be entitled to such registration, is punishable by imprisonment in the State Prison for not less than one nor more than three years. (Amended March 3, 1905.)

Refusal to Be Sworn.

Sec. 43. Every person who, after being required by the Board of Judges at any election, refuses to be sworn, or, being sworn, refuses to answer any pertinent question, propounded by such Board, touching the right of another to vote, is guilty of a misdemeanor.

Refusal to Obey Summons.

Sec. 44. Every person summoned to appear and testify before any Board of Registration, who willfully disobeys such summons, is guilty of a misdemeanor.

Voting Without Being Qualified.

Sec. 45. Every person not entitled to vote who fraudulently votes, and every person who votes more than once at any one election, or knowingly hands in two or more tickets, folded together, or changes any ballot after the same has been deposited in the ballot-box, or adds, or attempts to add, any ballot to those legally polled at any election, by fraudulently introducing the same into the ballot-box, either before or after the ballots therein have been counted; or adds to, or mixes with, or attempts to add to or mix with, the ballots lawfully polled other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election; or carries away or destroys, or attempts to carry away or destroy, any poll lists, or ballots, or ballot-box, for the purpose of breaking up or invalidating such election, or willfully detains, mutilates, or destroys any election returns, or in any manner so interferes with the officers holding such election or conducting such canvass, or with the voters lawfully exercising their rights of voting at such election, as to prevent such election or canvass from being fairly held and lawfully conducted, is guilty of a felony. (Amended March 3, 1905.)

Attempting to Vote Without Being Qualified.

Sec. 46. Every person not entitled to vote, who fraudulently attempts to vote, or who, being entitled to vote, attempts to vote more than once at any election, or who personates or attempts to personate, a person legally entitled to vote, is punishable by imprisonment in the State Prison for not less than one nor more than two years. (Amended March 3, 1905.)

Procuring Illegal Voting.

Sec. 47. Every person who procures, assists, counsels, or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote, or who aids or abets in the commission of any of the offenses mentioned in the preceding section, is punishable by imprisonment in the State Prison not exceeding two years. (Amended March 3, 1905.)

Changing Ballots or Altering Returns.

Sec. 48. Every officer or clerk of election who aids in changing or destroying any poll list, or in placing any ballots in the ballot box, or taking any therefrom; or adds, or attempts to add, any ballots to those legally polled at such election, either by fraudulently introducing the same into the ballot-box before or after the ballots therein have been counted; or adds to or mixes with, or attempts to add to or mix with, the ballots polled any other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election, or allows another to do so, when in his power to prevent it; or carries away or destroys, or knowingly allows another to carry away or destroy, any poll list, ballot-box, or ballots lawfully polled, is punishable by imprisonment in the State Prison for not less than two nor more than seven years.

Inspectors Unfolding or Marking Tickets.

Sec. 49. Every Inspector, Judge, or Clerk of an election who, previously to putting the ballot of an elector in the ballot-box, attempts to find out any name on such ballot, or who opens or suffers the folded ballot of any elector which has been handed in, to be opened or examined previously to putting the same into the ballot-box, or who makes or places any mark or device on any folded ballot with a view to ascertain the name of any person for whom the elector has voted, or who, without the consent of the elector, disclosed the name of any person which such Inspector, Judge or Clerk has fraudulently or illegally discovered to have been voted for by such elector, is punishable by a fine of not less than \$50 nor more than \$500, or by imprisonment in the County Jail for not less than thirty days nor more than six months, or by both such fine and imprisonment. (Amended March 3, 1905.)

Qualification of Election Officers.

Sec. 49a. Any person acting as member of an Election Board, or as a Clerk upon such Board, who cannot read and write the English language, or any person who refuses to act upon such Board, or as a Clerk thereof, after proper notification of his appointment, who is otherwise eligible, unless good and sufficient cause for such refusal is shown to the Election Board or Board of Supervisors, is guilty of a misdemeanor, and is subject to a fine of five hundred dollars, and upon failure to pay such fine, must be imprisoned in the County Jail of the county for the period of one day for each two dollars of such fine. (Amended March 3, 1905.)

Forging or Altering Returns.

Sec. 50. Every person who forges or counterfeits returns of an election purporting to have been held at a precinct, town or ward where no election was in fact held, or willfully substitutes forged or counterfeit returns of election in the place of true returns for a precinct, town, or ward where an election was actually held, is punishable by imprisonment in the State Prison for a term not less than two nor more than seven years. (Amended March 3, 1905.)

Felony to Sign Fictitious Name to Initiative, Referendum or Recall Petitions.

Sec. 50a. Every person who subscribes to any initiative, referendum or recall petition or to any nominating petition a fictitious name, or who subscribes thereto the name of another, is guilty of a felony and punishable by

imprisonment in the State Prison for not less than one nor more than fourteen years. (Approved April 12, 1915.)

Adding to or Subtracting From Votes Given.

Sec. 51. Every person who willfully adds to, or subtracts from, the votes actually cast at an election, in any official or unofficial returns, or who alters such returns, is punishable by imprisonment in the State Prison for not less than one nor more than five years. (Amended March 3, 1905.)

Persons Aiding or Abetting, or Concealing.

Sec. 52. Every person who aids or abets in the commission of any of the offenses mentioned in the four preceding sections, is punishable by imprisonment in the County Jail for a period of six months, or in the State Prison not exceeding two years.

Intimidating, Corrupting, Deceiving or Defrauding Electors.

Sec. 53. Every person who, by force, threats, menaces, bribery, or any corrupt means, either directly or indirectly, attempts to influence any elector in giving his vote, or to deter him from giving the same; or attempts by any means whatever to awe, restrain, hinder, or disturb any elector in the exercise of the right of suffrage; or furnishes any elector wishing to vote, who cannot read, with a ticket, informing or giving such elector to understand that it contains a name written or printed thereon different from the name which is written or printed thereon; or defrauds any elector at any such election by deceiving and causing such elector to vote for a different person for any office than he intended or desired to vote for; or who, being Inspector, Judge, or Clerk of any election, while acting as such, induces or attempts to induce any elector, either by menace or reward, or promise thereof, to vote differently from what such elector intended or desired to vote, is guilty of felony.

Furnishing Money for Elections.

Sec. 54. Every person who, with intent to promote the election of himself or any other person, either—

1. Furnishes entertainment at his expense to any meeting of electors previous to or during an election;

2. Pays for, procures, or engages to pay for any such entertainment;

3. Furnishes or engages to pay or deliver any money or property, for the purpose of procuring the attendance of voters at the polls, or for the purpose of compensating any person for procuring attendance of voters at the polls, except for the conveyance of voters who are sick or infirm;

4. Furnishes or engages to pay or deliver any money or property for any purpose intended to promote the election of any candidate, except for the expenses of holding and conducting public meetings for the discussion of public questions, and of printing and circulating ballots, handbills, and other papers, previous to such election—is guilty of a misdemeanor.

Unlawful to Receive, Agree or Contract Before Election.

Sec. 54a. It is unlawful for any person, directly, by himself, or through any other person:

1. To receive, agree, or contract for, before or during an election, any money, gift, loan, or other valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for coming or agreeing to come to the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting, for any particular person or persons at any election;

2. To receive any money, or other valuable thing, during or after an election, on account of himself or any other person having voted, or refrained from voting, for any particular person or persons at such election, or on account of himself or any other person having come to the polls or remained away from the polls at such election, or on account of having induced any other person to vote or refrain from voting, or to vote or refrain from voting for any particular person or persons, or to come to or remain away from the polls at such election;

3. To receive any money or other valuable thing, before, during or after election, on account of himself or any other person having voted to secure the election or indorsement of any other person as the nominee or candidate of any convention, organized assemblage of delegates, or other body representing, or claiming to represent, a political party or principle, or any club, society, or

association, or on account of himself or any other person having aided in securing the selection or indorsement of any other person as a nominee or candidate as aforesaid.

Every person who commits any of the offenses mentioned in this section is punishable by imprisonment in the State Prison for not less than one nor more than seven years. (Amended March 3, 1905.)

Unlawful to Pay, Lend or Contribute to or for Any Voter.

Sec. 54b. It is unlawful for any person, directly or indirectly, by himself or through any other person:

1. To pay, lend, or contribute, or offer or promise to pay, lend, or contribute, any money or other valuable consideration to or for any voter, or to or for any other person, to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons, or to induce such voter to come to the polls or remain away from the polls at such election, or on account of such voter having voted or refrained from voting, or having voted or refrained from voting for any particular person, or having come to the polls or remained away from the polls at such election;

2. To give, offer, or promise any office, place, or employment, or to promise to procure, or endeavor to procure, any office, place or employment to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons.

3. To make any gift, loan, promise, offer, procurement, or agreement, as aforesaid, to, for, or with any person, in order to induce such person to procure, or endeavor to procure, the election of any person, or the vote of any voter at any election;

4. To procure, engage, promise, or endeavor to procure, in consequence of any such gift, loan, offer, promise, procurement, or agreement, the election of any person, or the vote of any voter at such election;

5. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used in bribery at any election; or to knowingly pay, or cause to be paid, any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election;

6. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used for boarding, lodging or maintaining a person at any place or domicile in any election precinct, ward, or district, with intent to secure the vote of such person, or to induce such person to vote for any particular person or persons at any election;

7. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that the same, or any part thereof, shall be used to aid or assist any person to evade arrest, who is charged with the commission of a crime against the elective franchise, for which, if the person were convicted, the punishment would be imprisonment in the State Prison;

8. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of being selected or indorsed as the candidate of any convention, organized assemblage of delegates, or other body, representing, or claiming to represent, a political party or principle, or any club, society, or association, for a public office, or in consideration of the selection or indorsement of any other person as a candidate for a public office, or in consideration of any member of a convention, club, society, or association, having voted to select or indorse any person as a candidate for a public office, except that a candidate for nomination to a public office may contribute such proportion of the cost and expense of holding a primary election as is authorized by the Political Code of this State, and no more;

9. To advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, in consideration of a person withdrawing as a candidate for a public office.

Every person who commits any of the offenses mentioned in this section is punishable by imprisonment in the State Prison for not less than one year nor more than seven years. (Amended March 3, 1905.)

Offers to Procure Offices for Electors.

Sec. 55. Every person, who, being a candidate at any election, offers or agrees to appoint or procure the appointment of any particular person to office, as an inducement or consideration to any person to vote for, or procure or aid in procuring the election of such candidate, is guilty of a misdemeanor.

Unlawful to Solicit or Demand of Certain Candidates.

Sec. 55a. Any person, either individually or as an officer or member of any committee or association, who solicits or demands of any candidate for the Legislature, Supervisor, School Director, or for any legislative body, that he shall vote for or against any particular bill or measure, which may come before such body to which he may be elected, and any candidate for any of such offices who signs or gives any pledge that he will vote for or against any particular bill or measure that may be brought before any such body, is guilty of a misdemeanor; and any candidate convicted under the provisions of this section is, in addition, disqualified from holding the office to which he may have been elected. The provisions of this section do not apply to any pledge or promise that any such candidate may give to a convention by which he may be nominated for any such office, or to those who sign a certificate for his nomination. (Amended March 3, 1905.)

Communicating Such Offer.

Sec. 56. Every person, not being a candidate, who communicates any offer, made in violation of the last section, to any person, with intent to induce him to vote for, or to procure or aid in procuring the election of the candidate making the offer, is guilty of a misdemeanor.

Bribing or Offering to Bribe Members of Legislative Caucuses.

Sec. 57. Every person who gives or offers a bribe to any officer, or member of any legislative caucus, political convention, committee, primary election, or political gathering of any kind, held for the purpose of nominating candidates for offices of honor, trust, or profit, in this State, with intent to influence the person to whom such bribe is given or offered to be more favorable to one candidate than another, and every person, member of either of the bodies in this section mentioned, who receives or offers to receive any such bribe, is punishable by imprisonment in the State Prison not less than one nor more than seven years.

Changing Poll Lists.

Sec. 57a. Every Officer or Clerk of Election who aids in changing or destroying any poll list or official ballot, or in wrongfully placing any ballots in the ballot-box, or in taking any therefrom, or adds, or attempts to add, any ballots to those legally polled at such election, either by fraudulently introducing the same into the ballot-box, before or after the ballots therein have been counted, or adds to or mixes with, or attempts to add to or mix with, the ballots polled, any other ballots, while the same are being counted or canvassed, or at any other time, with intent to change the result of such election, or allows another to do so, when in his power to prevent it, or carries away or destroys, or knowingly allows another to carry away or destroy, any poll list, ballot-box, or ballots lawfully polled, is punishable by imprisonment in the State Prison for not less than two years nor more than seven years. (Amended March 3, 1905.)

Preventing Public Meetings.

Sec. 58. Every person who, by threats, intimidations, or unlawful violence, willfully hinders or prevents electors from assembling in public meeting for the consideration of public questions, is guilty of a misdemeanor.

Disturbance at Public Meetings.

Sec. 59. It is unlawful for any person, directly or indirectly, by himself or any other person in his behalf, to make use of, or threaten to make use of, any force, violence or restraint, or to inflict or threaten the infliction, by himself or through any other person, of any injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or persons at any election, or on account of such person or persons at any election, or on account of such person having voted or refrained from voting at any election. And it is unlawful for any person, by abduction, duress, or any forcible or fraudulent device

or contrivance whatever, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise by any voter; or to compel, induce, or prevail upon any voter either to give or refrain from giving his vote at any election or to give or refrain from giving his vote for any particular person or persons at any election. It is not lawful for any employer, in paying his employees the salary or wages due them, to inclose their pay in "pay envelopes" upon which there is written or printed the name of any candidate, or any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees. Nor is it lawful for any employer, within ninety days of any election, to put up or otherwise exhibit in his factory, workshop, or other establishment or place where his workmen or employees may be working, any handbill or placard containing any threat, notice, or information, that in case any particular ticket of a political party, or organization, or candidate shall be elected, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employees be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employees. This section applies to corporations as well as individuals, and any person or corporation violating the provisions of this section is guilty of a misdemeanor, and any corporation violating this section shall forfeit its charter. (Amended March 3, 1905.)

Betting on Elections.

Sec. 60. Every person who makes, offers, or accepts any bet or wager upon the result of any election, or upon the success or failure of any person or candidate, or upon the number of votes to be cast, either in the aggregate or for any particular candidate, or upon the vote to be cast by any person, is guilty of a misdemeanor.

Willful Violations of Election Laws by Persons Not Officers.

Sec. 61. Every person who willfully violates any of the provisions of the laws of this State relating to elections is, unless a different punishment for such violation is prescribed by this Code, punishable by a fine not exceeding one thousand dollars or by imprisonment in the State Prison not exceeding five years, or by both.

Violation to Print Tickets Illegally.

Sec. 62. Every person who prints any ticket not in conformity with the provisions of chapter eight of title two of part three of the Political Code, or who circulates or gives to another any ticket, knowing at the time that such ticket does not conform to the provisions of chapter eight of title two of part three of the Political Code, is guilty of a misdemeanor. (Amended March 3, 1905.)

Anonymous Circulars.

Sec. 62a. Every person who intentionally writes, prints, posts, or distributes, or causes to be written, printed, posted or distributed, any circular, pamphlet, letter, or poster which is designed or intended to injure or defeat any candidate for nomination or election to any public office by reflecting upon his personal character or political action, unless there appears upon such circular, pamphlet, letter, or poster, in a conspicuous place, either the name of the chairman and secretary or the names of two officers at least of the political or other organization issuing the same, or the name and residence, with the street and number thereof, if any, of some voter of this State, and responsible therefor, shall be guilty of a misdemeanor.

Persons Who Print Anonymous Circulars Guilty of Misdemeanor.

Sec. 62b. Every person who prints any circular, pamphlet, letter or poster of the kind or character mentioned in section sixty-two a (62a) of this Code, without adding thereto his name, showing the printing office at which the same was printed, is guilty of a misdemeanor. (In effect March 15, 1901.)

Person Who Sells, Gives Away Liquor, Etc., During Election Day Is Guilty of Misdemeanor.

Sec. 63b. Every person keeping a public house, saloon, or drinking place, whether licensed or unlicensed, who sells, gives away, or furnishes spirituous or malt liquors, wine, or any other intoxicant, on any part of any day set apart for any general or special election, in any election district or precinct in any county of the state where an election is in progress, during the hours when by law the polls are required to be kept open, is guilty of a misdemeanor. (Amended March 3, 1905.)

No Prosecution Against Witnesses Testifying in Election Cases.

Sec. 64. No person otherwise competent as a witness, shall be disqualified or excused from testifying concerning any of the offenses enumerated and prescribed in this title, on the ground that such testimony may criminate himself; but no prosecution can afterwards be had against such witness for any such offense concerning which he testified for the prosecution.

Primary Elections.

Sec. 64½. All the provisions of sections forty to sixty-four of this Code, both inclusive, shall apply with like force and effect to elections, known and designated as primary elections, held and conducted under official supervision pursuant to law and to registration therefor, as to other elections, whether the word "primary" be used in connection with the word "election" or "elections" used in said sections or not.

Misrepresentation or Fraud in Initiative, Referendum or Recall Petitions and Prescribing a Penalty Therefor.

Sec. 64b. 1. It shall be unlawful for any person circulating, as principal or agent, or having charge or control of the circulation of, or obtaining signatures to, any petition authorized or provided for by the Constitution or laws of the State of California regulating the initiative, referendum or recall to misrepresent or make any false statement concerning the contents, purport or effect of any such petition to any person who signs, or who desires to sign, or who is requested to sign, or who makes inquiries with reference to any such petition, or to whom any such petition is presented for his or her signature.

2. It shall be unlawful for any person to willfully or knowingly circulate, publish or exhibit any false statement or misrepresentation concerning the contents, purport or effect of any petition mentioned in this section for the purpose of obtaining any signature to any such petition or for the purpose of persuading any person to sign any such petition.

3. It shall be unlawful for any person to file in the office of the Clerk or other officer provided by law to receive such filing, any petition mentioned in this section to which is attached, appended or subscribed any signature which the person so filing such petition knows to be false or fraudulent or not the genuine signature of the person purporting to sign such petition or whose name is attached, appended or subscribed thereto.

4. It shall be unlawful for any person to circulate, or cause to be circulated, any petition mentioned in this section, knowing the same to contain false, forged or fictitious names.

5. It shall be unlawful for any person to make any false affidavit concerning any petition mentioned in this section or the signatures appended thereto.

6. It shall be unlawful for any public official or employee knowingly to make any false return, certification or affidavit, concerning any petition mentioned in this section, or the signatures appended thereto.

7. It shall be unlawful for any person to knowingly sign his own name more than once to any petition mentioned in this act, or to sign his name to any such petition knowing himself at the time of such signing not to be qualified to sign the same.

8. Any person, either as principal or agent, violating any of the provisions of this section is punishable by imprisonment in the State Prison, or in a county jail, not exceeding two years, or by fine not exceeding five thousand dollars, or by both. (Approved April 12, 1915.)

NATURALIZATION

Naturalization Limited to White Persons and Those of African Race.

[Act of February 18, 1875, amending act of July 14, 1870.]

Sec. 2169. The provisions of this Title shall apply to aliens being free white persons and to aliens of African nativity and to persons of African descent. (R. S. 1878, p. 380; 1 Comp. Stat. 1901, p. 1333.)

Naturalization of Chinese Prohibited.

[Act of May 6, 1882.]

Sec. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed. (22 Stat. L., p. 61.)

Residence Within the United States Required for Five Years Continuously.

[Act of March 3, 1813.]

[The United States Circuit Court of Appeals has held that sec. 2170 was not repealed by the naturalization act of June 29, 1906. (See United States v. Rodiek, 162 Fed., 469.)]

Sec. 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States. (R. S. 1878, p. 380; 1 Comp. Stat. 1901, p. 1333.)

Naturalization of Alien Enemies Prohibited.

[Act of May 9, 1918. (Pub. No. 144, 65th Cong.)]

Sec. 4, Sub. 11. No alien who is a native, citizen, subject, or denizen of any country, State, or sovereignty with which the United States is at war shall be admitted to become a citizen of the United States unless he made his declaration of intention not less than two nor more than seven years prior to the existence of the state of war, or was at that time entitled to become a citizen of the United States, without making a declaration of intention, or unless his petition for naturalization shall then be pending and is otherwise entitled to admission, notwithstanding he shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject: **Provided**, That no alien embraced within this subdivision shall have his petition for naturalization called for a hearing, or heard, except after ninety days' notice given by the clerk of the court to the Commissioner or Deputy Commissioner of Naturalization to be present, and the petition shall be given no final hearing except in open court and after such notice to the representative of the Government from the Bureau of Naturalization, whose objection shall cause the petition to be continued from time to time for so long as the Government may require: **Provided, however**, That nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien; and section twenty-one hundred and seventy-one of the Revised Statutes of the United States is hereby repealed: **Provided further**, That the President of the United States may, in his discretion, upon investigation and report by the Department of Justice fully establishing the loyalty of any alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon he shall have the privilege of applying for naturalization; * * *

Alien Seamen of Merchant or Fishing Vessels.

[Act of May 9, 1918. (Pub. No. 144, 65th Cong.)]

Sec. 4, Sub. 8. That every seaman, being an alien, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served three years upon such merchant or fishing vessels of the United States, be deemed a citizen of the United States for the purpose of serving on board any such merchant or fishing vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after

the filing of his declaration of intention to become such citizen: **Provided**, That nothing contained in this act shall be taken or construed to repeal or modify any portion of the act approved March fourth, nineteen hundred and fifteen (Thirty-eighth Statutes at Large, part one, page eleven hundred and sixty-four, chapter one hundred and fifty-three), being an act to promote the welfare of American seamen.

Naturalization of Aliens Serving or Who Have Served in Naval or Military Service.

[Act of May 9, 1918. (Pub. No. 144, 65th Cong.)]

Sec. 4. Sub. 7. Any native born Filipino at the age of twenty-one years and upward who has declared his intention to become a citizen of the United States and who has enlisted or may hereafter enlist in the United States Navy or Marine Corps or the Naval Auxiliary Service, and who, after service of not less than three years, may be honorably discharged therefrom, or who may receive an ordinary discharge with recommendation for reenlistment; or any alien, or any Porto Rican not a citizen of the United States, of the age of twenty-one years and upward, who has enlisted or entered or may hereafter enlist or enter the armies of the United States, either the Regular or the Volunteer Forces, or the National Army, the National Guard or Naval Militia of any State, Territory, or the District of Columbia, or the State militia in Federal Service, or in the United States Navy or Marine Corps, or in the United States Coast Guard, or who has served for three years on board of any vessel of the United States Government, or for three years on board of merchant or fishing vessels of the United States of more than twenty tons burden, and while still in the service on a reenlistment or reappointment, or within six months after an honorable discharge or separation therefrom, or while on furlough to the Army Reserve or Regular Army Reserve after honorable service, may, on presentation of the required declaration of intention petition for naturalization without proof of the required five years' residence within the United States if upon examination by the representative of the Bureau of Naturalization, in accordance with the requirements of this subdivision it is shown that such residence can not be established; any alien serving in the military or naval service of the United States during the time this country is engaged in the present war may file his petition for naturalization without making the preliminary declaration of intention and without proof of the required five years' residence within the United States; any alien declarant who has served in the United States Army or Navy, or the Philippine Constabulary, and has been honorably discharged therefrom, and has been accepted for service in either the military or naval service of the United States on the condition that he becomes a citizen of the United States, may file his petition for naturalization upon proof of continuous residence within the United States for the three years immediately preceding his petition, by two witnesses, citizens of the United States, and in these cases only residence in the Philippine Islands and the Panama Canal Zone by aliens may be considered residence within the United States, and the place of such military service shall be construed as the place of residence required to be established for purposes of naturalization; and any alien or any person owing permanent allegiance to the United States embraced within this subdivision, may file his petition for naturalization in the most convenient court without proof of residence within its jurisdiction, notwithstanding the limitation upon the jurisdiction of the courts specified in section three of the act of June twenty-ninth, nineteen hundred and six, provided he appears with his two witnesses before the appropriate representative of the Bureau of Naturalization and passes the preliminary examination hereby required before filing his petition for naturalization in the office of the clerk of the court, and in each case the record of this examination shall be offered in evidence by the representative of the Government from the Bureau of Naturalization and made a part of the record at the original and any subsequent hearings; and, except as otherwise herein provided, the honorable discharge certificate of such alien, or person owing permanent allegiance to the United States, or the certificate of service showing good conduct, signed by a duly authorized officer, or by the masters of said vessels, shall be deemed *prima facie* evidence to satisfy all of the requirements of residence within the United States and within the State, Territory, or the District of Columbia, and good moral character required by law, when supported by the affidavits of two witnesses, citizens of the United States, identifying the applicant as the person named in the certificate or honorable discharge, and in those cases only where the alien is actually in the military or naval service of the United States, the certificate of arrival shall not be filed with the petition for naturalization in the

manner prescribed; and any petition for naturalization filed under the provisions of this subdivision may be heard immediately, notwithstanding the law prohibits the hearing of a petition for naturalization during thirty days preceding any election in the jurisdiction of the court. Any alien who, at the time of the passage of this act, is in the military service of the United States, who may not be within the jurisdiction of any court authorized to naturalize aliens, may file his petition for naturalization without appearing in person in the office of the clerk of the court and shall not be required to take the prescribed oath of allegiance in open court. The petition shall be verified by the affidavits of at least two credible witnesses who are citizens of the United States, and who shall prove in their affidavits the portion of the residence that they have personally known the applicant to have resided within the United States. The time of military service may be established by the affidavits of at least two other citizens of the United States, which together with the oath of allegiance, may be taken in accordance with the terms of section seventeen hundred and fifty of the Revised Statutes of the United States after notice from and under regulations of the Bureau of Naturalization. Such affidavits and oath of allegiance shall be admitted in evidence in any original or appellate naturalization proceeding without proof of the genuineness of the seal or signature or of the official character of the officer before whom the affidavits and oath of allegiance were taken, and shall be filed by the representative of the Government from the Bureau of Naturalization at the hearing as provided by section eleven of the act of June twenty-ninth, nineteen hundred and six. Members of the Naturalization Bureau and Service may be designated by the Secretary of Labor to administer oaths relating to the administration of the naturalization law; and the requirement of section ten of notice to take depositions to the United States attorneys is repealed, and the duty they perform under section fifteen of the act of June twenty-ninth, nineteen hundred and six (Thirty-fourth Statutes at Large, part one, page five hundred and ninety-six), may also be performed by the Commissioner or Deputy Commissioner of Naturalization: **Provided**, That it shall not be lawful to make a declaration of intention before the clerk of any court on election day or during the period of thirty days preceding the day of holding any election in the jurisdiction of the court: **Provided, further**, That service by aliens upon vessels other than of American registry, whether continuous or broken, shall not be considered as residence for naturalization purposes within the jurisdiction of the United States, and such aliens can not secure residence for naturalization purposes during service upon vessels of foreign registry.

Aliens Who Erroneously Believed Themselves Citizens Exempt From Certain Formalities.

[Act of May 9, 1918. (Pub. No. 144, 65th Cong.)]

Sec. 4, Sub. 10. That any person not an alien enemy, who resided uninterruptedly within the United States during the period of five years next preceding July first, nineteen hundred and fourteen, and was on that date otherwise qualified to become a citizen of the United States, except that he had not made the declaration of intention required by law, and who during or prior to that time, because of misinformation regarding his citizenship status, erroneously exercised the rights and performed the duties of a citizen of the United States in good faith, may file the petition for naturalization prescribed by law without making the preliminary declaration of intention required of other aliens, and upon satisfactory proof to the court that he has so acted may be admitted as a citizen of the United States upon complying in all respects with the other requirements of the naturalization law.

Providing for Naturalization of Wife and Minor Children of Insane Aliens Making Homestead Entries Under Land Laws of the United States.

[Act of February 24, 1911.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when any alien, who has declared his intention to become a citizen of the United States, becomes insane before he is actually naturalized, and his wife shall thereafter make a homestead entry under the land laws of the United States, she and their minor children may, by complying with the other provisions of the naturalization laws, be naturalized without making any declaration of intention. (36 Stat. L., pt. 1, p. 929.)

CITIZENSHIP.

[Acquisition of citizenship by means other than naturalization.]

Citizenship by Birth.

Sec. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside * * * (Constitution, Art. XIV.)

Who Are Citizens.

Sec. 1992. All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

Citizenship of Children Born Abroad of Citizens.

[Act of February 10, 1855, amending act of April 14, 1802.]

Sec. 1993 All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States. (R. S. 1878, p. 350; 1 Comp. Stat. 1901, p. 1268.)

Children of Persons Naturalized Under Certain Laws to Be Citizens.

[Act of April 14, 1802.]

Sec. 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the legislature of the State in which such person was proscribed. (R. S. 1878, p. 380; 1 Comp. Stat. 1901, p. 1334.)

Expatriation of Citizens and Their Protection Abroad.

[Approved March 2, 1907.]

Naturalized in Foreign State.

Sec. 2. That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state.

When any naturalized citizen shall have resided for two years in the foreign state from which he came, or for five years in any foreign state, it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years; **provided, however**, that said presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe; and provided also, that no American citizen shall be allowed to expatriate himself when his country is at war.

Child Born Without the U. S. Deemed a Citizen Under Certain Conditions.

Sec. 5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization or resumption of American citizenship by the parent; provided, that such naturalization or resumption takes place during the minority of such child; and provided further, that the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States.

Children Who Are Citizens of the U. S. Residing Outside Must Declare Their Intentions at American Consulate.

Sec. 6. That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of Section 1993 of the Revised Statutes of the United States and who continue to reside outside the United States shall, in order to receive the protection of this Government, be required upon reaching the age of eighteen years to record at an American

consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority.

Duplicates of Evidence.

Sec. 7. That duplicates of any evidence, registration, or other acts required by this Act shall be filed with the Department of State for record.

Porto Rican Citizenship.

[Act of April 12, 1900.]

Sec. 7. That all inhabitants continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Porto Rico, and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the eleventh day of April, nineteen hundred, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the eleventh day of April, eighteen hundred and ninety-nine; * * *. (31 Stat. L., 79.)

Porto Rico: Citizenship, Naturalization and Residence.

[Act of March 2, 1917.]

Sec. 5. That all citizens of Porto Rico, as defined by section seven of the act of April twelfth, nineteen hundred, * * * and all natives of Porto Rico who were temporarily absent from that island on April eleventh, eighteen hundred and ninety-nine, and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States: * * * And provided further, That any person who is born in Porto Rico of an alien parent and is permanently residing in that island may, if of full age, within six months of the taking effect of this act, or if a minor, upon reaching his majority or within one year thereafter, make a sworn declaration of allegiance to the United States before the United States District Court for Porto Rico, setting forth therein all the facts connected with his or her birth and residence in Porto Rico and accompanying due proof thereof, and from and after the making of such declaration shall be considered to be a citizen of the United States.

Sec. 41. That Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." * * * The district court for said district shall be called "the district Court of the United States for Porto Rico," * * * said district court shall have jurisdiction for the naturalization of aliens and Porto Ricans, and for this purpose residence in Porto Rico shall be counted in the same manner as residence elsewhere in the United States. * * * (Public Act, No. 368, 64th Cong.)

Citizenship of Married Women.

(Approved September 22, 1922.)

That the right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex or because she is a married woman.

Sec. 2. That any woman who marries a citizen of the United States after the passage of this Act, or any woman whose husband is naturalized after the passage of this Act, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

a. No declaration of intention shall be required;

b. In lieu of the five year period of residence within the United States and the one year period of residence within the State or Territory where the naturalization Court is held, she shall have resided continuously in the United States, Hawaii, Alaska or Porto Rico for at least one year immediately preceding the filing of the petition.

Sec. 3. That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this Act, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens: Provided, That any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States. If at the termination of the marital status she is a citizen of the United States she shall retain her citizenship regardless

of her residence. If during the continuance of the marital status she resides continuously for two years in a foreign state of which her husband is a citizen or subject, or for five years continuously outside the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of Section 2 of the Act entitled "An Act in reference to the expatriation of citizens and their protection abroad." (Approved March 2, 1907.)

Nothing herein shall be construed to repeal or amend the provisions of Revised Statutes 1999 or of section 2 of the Expatriation Act of 1907 with reference to expatriation.

Sec. 4. That a woman who, before the passage of this Act, has lost her United States citizenship by reason of her marriage to an alien eligible to citizenship, may be naturalized as provided by section 2 of this Act: Provided, That no certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States. After her naturalization she shall have the same citizenship status as if her marriage had taken place after the passage of this Act.

Sec. 5. That no woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status.

Sec. 6. That section 1994 of the Revised Statutes and section 4 of the Expatriation Act of 1907 are repealed. Such repeal shall not terminate citizenship acquired or retained under either of such sections nor restore citizenship lost under section 4 of the Expatriation Act of 1907.

Sec. 7. That section 3 of the Expatriation Act of 1907 is repealed. Such repeal shall not restore citizenship lost under such section nor terminate citizenship resumed under such section. A woman who has resumed under such section citizenship lost by marriage shall, upon the passage of this Act, have for all purposes the same citizenship status as immediately preceding her marriage.

January 4, 1923.

"Married women, as well as single women, may file naturalization papers under the terms of the Act of September 22, 1922. A married woman who prior to her marriage was not an American citizen, and whose husband is not a citizen, must comply fully with the requirements of the naturalization laws in order to become naturalized. Among the other requirements are included the declaration of intention, residence within the United States five years and within the State one year, posting of petition for naturalization and deferring its hearing until after ninety days. An alien woman who marries an American citizen after September 22, 1922, or whose husband is naturalized after that date, may petition for naturalization without making the declaration of intention and need prove residence of only one year in the United States immediately preceding her petition; if she arrived in the United States after June 29, 1906, she must also procure the usual certificate of arrival for filing with her petition, and in all other respects she must comply fully with the requirements of the naturalization law. A woman whose husband is not eligible for citizenship, as for example a Chinese or Japanese, may not be naturalized during the continuance of the marital status. A woman who, before the passage of the act of September 22, 1922, was an American citizen and lost her citizenship by marriage to an alien may, if her husband is eligible for citizenship, petition for naturalization and become naturalized upon complying with all requirements of the naturalization law, except that no declaration of intention is required, only one year of continuous United States, Hawaii, Alaska, or Porto Rico residence immediately preceding the filing of her petition is required, and a certificate of arrival is necessary if during the continuance of the marital status she shall have resided outside of the United States after June 29, 1906.

"A married woman lacking a declaration of intention at least two years old cannot file a valid petition for naturalization at the same time as the husband, in anticipation of his naturalization. She must wait until the husband has become naturalized before she can file a petition without the required declaration of intention."

PENAL LAWS OF THE UNITED STATES

Forging or Counterfeiting Certificate.

By the Act approved March 4, 1909 (35 Stat. L., pt. 1, ch. 321).

Sec. 74. Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall knowingly aid or assist in falsely making, forging, or counterfeiting any certificate of citizenship, with intent to use the same, or with the intent that the same may be used by some other person, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both.

Engraving Certificate.

Sec. 75. Whoever shall engrave, or cause or procure to be engraved, or assist in engraving, any plate in the likeness of any plate designed for the printing of a certificate of citizenship; or whoever shall sell any such plate, or shall bring into the United States from any foreign place any such plate, except under the direction of the Secretary of Commerce and Labor or other proper officer; or whoever shall have in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such certificate has been printed, with intent to use or suffer such plate to be used in forging or counterfeiting any such certificate or any part thereof, or whoever shall print, photograph, or in any manner cause to be printed, photographed, made, or executed, any print or impression in the likeness of any such certificate, or any part thereof; or whoever shall sell any such certificate, or shall bring the same into the United States from any foreign place, except by direction of some proper officer of the United States; or whoever shall have in his possession a distinctive paper which has been adopted by the proper officers of the United States for the printing of such certificate, with intent unlawfully to use the same, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both.

Personating Any Person.

Sec. 76. Whoever, when applying to be admitted a citizen, or when appearing as a witness for any such person, shall knowingly personate any person other than himself, or shall falsely appear in the name of a deceased person, or in an assumed or fictitious name; or whoever shall falsely make, forge, or counterfeit any oath, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing for the naturalization of aliens; or whoever shall utter, sell, dispose of, or shall use as true or genuine, for any unlawful purpose, any false, forged, antedated, or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified; or whoever shall sell or dispose of to any person other than the person for whom it was originally issued any certificate of citizenship or certificate showing any person to be admitted a citizen, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

Use of Forged Certificate.

Sec. 77. Whoever shall use or attempt to use, or shall aid, assist, or participate in the use of any certificate of citizenship, knowing the same to be forged, counterfeit, or antedated, or knowing the same to have been procured by fraud or otherwise unlawfully obtained; or whoever, without lawful excuse, shall knowingly possess any false, forged, antedated, or counterfeit certificate of citizenship purporting to have been issued under any law of the United States relating to naturalization, knowing such certificate to be false, forged, antedated, or counterfeit, with the intent unlawfully to use the same; or whoever shall obtain, accept, or receive any certificate of citizenship, knowing the same to have been procured by fraud or by the use or means of any false name or statement given or made with the intent to procure, or to aid in procuring, the issuance of such certificate, or knowing the same to have been fraudulently altered or antedated; or whoever, without lawful excuse, shall have in his possession any blank certificate of citizenship provided by the Bureau of Immi-

gration and Naturalization with the intent unlawfully to use the same; or whoever, after having been admitted to be a citizen, shall, on oath or by affidavit, knowingly deny that he has been so admitted, with the intent to evade or avoid any duty or liability imposed or required by law, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

Using Another Person's Certificate—Penalty.

Sec. 78. Whoever shall in any manner use, for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order, certificate, judgment, or exemplification has been unlawfully issued or made; or whoever shall unlawfully use, or attempt to use any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

Using Certificate Procured by Fraud.

Sec. 79. Whoever shall knowingly use any certificate of naturalization heretofore or which hereafter may be granted by any court, which has been or may be procured through fraud or by false evidence, or which has been or may hereafter be issued by the clerk or any other officer of the court without any appearance and hearing of the applicant in court and without lawful authority; or whoever, for any fraudulent purpose whatever, shall falsely represent himself to be a citizen of the United States without having been duly admitted to citizenship, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both.

Swearing Falsely.

Sec. 80. Whoever, in any proceeding under or by virtue of any law relating to the naturalization of aliens, shall knowingly swear falsely in any case where an oath is made or affidavit taken, shall be fined not more than one thousand dollars and imprisoned not more than five years.

Jurisdiction.

Sec. 81. The provisions of the five sections last preceding shall apply to all proceedings had or taken, or attempted to be had or taken, before any court in which any proceeding for naturalization may be commenced or attempted to be commenced, and whether such court was vested by law with jurisdiction in naturalization proceedings or not.

CHARTER PROVISIONS OF THE CITY AND COUNTY OF SAN FRANCISCO

ARTICLE II.

CHAPTER I.

Amendments to Charter—Action by the People.

Sec. 22. Whenever there shall be presented to the Supervisors a petition signed by a number of voters equal to fifteen per centum of the votes cast at the last preceding State or municipal election, asking that an amendment or amendments to this Charter, to be set out in such petition, be submitted to the people, the Board must submit to the vote of the electors of the city and county the proposed amendment or amendments.

The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements made therein are true, and that each signature to such paper appended is the genuine signature of the person whose name purports to be thereto subscribed.

The Board of Election Commissioners must make all necessary provision for submitting the proposed amendment or amendments to the electors at a special election to be called by it, and shall canvass the vote in the same manner as in other cases of election.

All the provisions of the Constitution of the State embracing the subject in this section provided for are hereby expressly made applicable to such proposed amendment or amendments. But if at any time there shall be no constitutional provision or provisions under which this Charter may be amended, the aforesaid amendment or amendments must be submitted by the Board of Election Commissioners to the vote of the electors of the city and county at the election which next ensues after such petition is filed with the Supervisors, if any such election is not to be held within sixty days after the filing of such petition.

The tickets used at such election shall contain the words "for the amendment" (stating the nature of the proposed amendment) and "against the amendment" (stating the nature of the proposed amendment).

Majority Shall Decide.

If a majority of the votes cast upon such amendment or amendments shall be in favor of the adoption thereof, the Board of Election Commissioners shall, within thirty days from the time of such election, proclaim such fact, and thereupon the Charter shall be amended accordingly.

ARTICLE XI.

CHAPTER I.

Board of Election Commissioners.

Section 1. The conduct, management, and control of the registration of voters, and of the holding of elections, and of all matters pertaining to elections in the city and county, shall be vested exclusively in and exercised by a Board of Election Commissioners, consisting of five members, who shall be appointed by the Mayor, and shall hold office for four years. Each of the Commissioners shall receive an annual salary of one thousand dollars. Each member of the Board must be an elector of the city and county at the time of his appointment and must have been such for five years next preceding such time. * * *

Sec. 2. No member of the Board, nor Registrar, nor Deputy Registrar shall, during his term of office, be a member of any convention the purpose of which is to nominate candidates for office; nor be eligible to any other municipal office during the term for which he shall have been appointed,

or for one year thereafter; nor act as officer of any election or primary election; nor take part in any election except to vote, and when acting as Election Commissioner, at which time he shall perform only such official duties as may be required of him by law and by this Charter.

Sec. 3. * * * The Board shall appoint a Registrar of Voters * * *. The Registrar shall be the secretary of the Board, and shall keep a record of its proceedings, and shall execute all orders and enforce all rules and regulations adopted by the Board. The term of office of Registrar shall be four years.

Sec. 4. All provisions of the general laws of this State, including penal laws, respecting elections not inconsistent with the provisions of Chapter II hereof, shall be applicable to all elections held in the City and County of San Francisco. All provisions of the general laws of this State, respecting the registration of voters, shall be applicable to such registration in this City and County. The Board of Election Commissioners may provide for the registration of qualified electors at places outside of its office in the City Hall and at the residences and places of business of electors, and it may fix the compensations of the deputies employed for the purpose, at a rate of not more than ten (10) cents for each valid affidavit of registration completed and returned to the Registrar of Voters by each of said deputies, respectively. The Board may appoint such other deputies, clerical assistants and employees as may be necessary, and shall by resolution adopted by a majority vote of all its members and entered upon its minutes, designate the salary to be received and the service to be rendered by each, and the time for which they shall be employed. The time of employment of such deputies, assistants and employes shall not be extended and when a salary shall have been fixed, it shall not be changed except by like resolution of the Board.

This section is subject to the provisions of Article XIII of the Charter. The provisions of this section shall have full force and effect, all other sections of this Charter notwithstanding. (Amended November 15, 1910; November 7, 1922.)

CHAPTER II.

Municipal Elections—When Held—Officers to Be Elected.

Section 1. There shall be held in the City and County of San Francisco on the Tuesday after the first Monday in November in 1917, and every second year thereafter, an election to be known as the "municipal election," at which the electors of the city shall choose such officers as are required by this Charter to be elected at that time, to-wit, as mentioned in Section 38a of Article XVI of this Charter, and two Police Judges in the year 1917, for a term of four years, and two Police Judges every second year thereafter for a term of four years, and an Assessor in the year 1919 and every four years thereafter, for a term of four years. The Superintendent of Public Schools shall be elected for four years, and the Justices of the Peace for four years, at the same time that members of the Legislature are elected.

When Office Is Taken.

Sec. 2. The officers elected at any general municipal election under this Charter shall take office at noon on the first Monday after the first day of January next following the said election; except that the terms of incumbent officers shall not be affected by this provision and the officers first elected hereunder shall take office on the expiration of the terms of the incumbents.

Nomination and Election of Officers.

Sec. 3. The mode of nomination and election of all elective officers of the City and County to be voted for at any general or special election, including recall elections, shall be as provided in the following sections, and not otherwise:

Condition of Candidacy.

Sec. 4. The name of the candidate shall be printed upon the ballot when a declaration of candidacy and certificates of not less than ten nor more than twenty sponsors shall have been filed on his behalf, in the manner and form and under the conditions hereinafter set forth.

Method of Nomination.

Sec. 5. The nomination of candidates shall be made in the following manner:

(a) The candidate, not more than fifty days before the municipal election in November, shall file with the Registrar of Voters a declaration of his candidacy, in the following form:

Declaration of Candidacy.

I hereby declare myself a candidate for the office of..... to be voted for at the municipal election to be held in the City and County of San Francisco on the..... day of November, A. D..... and declare the following to be true:

Name in full..... Present residence address..... What different business or occupation have you followed during the past three years?..... Have you ever had any special training or experience in the line of work which you would be called upon to perform in case of your election to the office for which you are a candidate? If so, state what training or experience, and when, in not over 50 words.....

Signed.....

All blanks in said form must be filled out and the Registrar shall not accept for filing any declaration unless all blanks are so filled. The declaration shall be subscribed before the Registrar of Voters. The Registrar of Voters shall forthwith certify to the said subscription and its date and retain and file the declaration.

(b) The candidate shall pay to the Registrar of Voters at the time of filing his declaration of candidacy the sum of twenty dollars.

(c) After said declaration shall have been signed, certified and filed, and not later than thirty days before said election in November, not less than ten nor more than twenty sponsors for the said candidate, who are electors for the City and County, qualified to vote at the said municipal election, shall appear before the Registrar of Voters and shall certify under oath, to the qualifications of the said candidate, in a certificate as follows:

STATE OF CALIFORNIA, { ss.
City and County of San Francisco,

The undersigned sponsor for..... who has declared his candidacy for the office of..... to be voted for at the municipal election to be held in the City and County of San Francisco on the..... day of November, A. D..... being first duly sworn, deposes and says:

That in my opinion my knowledge of the said..... is sufficient to warrant my urging his election to the office of..... in the City and County of San Francisco, and that he is fully qualified mentally, morally and physically for the said office and should be elected to fill it; that I am a qualified elector of said City and County, and am not at this time a signer of any other certificate nominating any other candidate for the above-named office, or, in case there are several places to be filled in the above-named office, that I have not signed more certificates than there are places to be filled in the above-named office; that my residence is at No..... Street, San Francisco, and that my occupation is.....

STATE OF CALIFORNIA, { ss.
City and County of San Francisco,

The above was subscribed, sworn to before me, read to me by the deponent, the said signature verified by me, and the said certificate filed this..... day of..... A. D.....

..... Registrar of Voters.

The blanks in said certificate for the name of the candidate and the office, the date of the election, the address and occupation of the sponsor shall be filled out and the certificate read to the Registrar of Voters, subscribed and sworn to by the sponsor before him, and his signature forthwith verified by the Registrar by comparison with the signature of the sponsor's registration as a voter. The Registrar's certificate shall thereupon be filled out and the document retained by him and filed.

Forms of Certificates, Etc.

Sec. 6. (a) It shall be the duty of the Board of Election Commissioners to furnish a sufficient number of forms for such candidates' declarations and such sponsors' certificates. In the event the Registrar shall refuse to file such declaration or certificate, he shall forthwith designate in writing on the declaration or certificate the defect thereof, or other reason for refusing to file the same, and shall return the same to the party tendering it. No defect in any declaration or certificate presented to the Registrar shall prevent the filing of another declaration or certificate within the period allowed for presenting the declaration or certificate.

(b) Each certificate must contain the name of one signer thereto and no more. Each signer must be a qualified elector, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, or, in case there are several places to be filled in the same office, signed more certificates for candidates for that office than there are places to be filled in such office.

Declarations and Certificates to Be Preserved.

Sec. 7. The Registrar of Voters shall preserve in his office, for a period of four years, all candidates' declarations, and all sponsors' certificates filed in accordance with this section.

Official Pamphlets—Candidate's Statement.

Sec. 8. (a) The Board of Election Commissioners shall cause to be printed in pamphlet form herein designated for the purposes of this chapter as the official pamphlet the Proclamation of the Mayor and statements of candidates described in subdivision (b) of this section.

(b) If the candidate desires he may file with the Board of Election Commissioners not less than thirty days before the said election a statement of not more than one hundred words, setting forth any facts he may deem pertinent to the question of his qualifications for the office for which he is a candidate, and such statement shall be printed in the official pamphlet, upon the payment of a fee of ten dollars. Additional words, not to exceed two hundred, may be added by the candidate to such statement, for which he shall pay an additional fee of fifteen dollars for each one hundred words or fraction thereof.

(c) A copy of the official pamphlet shall be enclosed and circulated with the sample ballot and sent to each registered voter. The Board of Election Commissioners shall furnish, at least ten days before the said election, copies of the official pamphlet to registered voters on application to its office. All fees received by the Registrar of Voters in conformity with this chapter shall be paid over to the Treasurer of the City and County of San Francisco and credited to the general fund.

Mayor's Proclamation.

Sec. 9. Immediately after the declarations of candidacy and ten sponsors' certificates have been filed, the Registrar of Voters shall enter the names of the candidates in a list, with the offices to be filled, and shall, not later than twenty-five days before the election, certify such list to the Mayor as being the list of candidates nominated as required by this Charter. The Mayor shall forthwith issue a proclamation calling the election provided for in Section 1 of this Chapter setting forth the offices to be filled, designating the term thereof, and the certified list of candidates for each office, and file the same with the Registrar of Voters. The Mayor's proclamation shall then be published in the official pamphlet immediately preceding the first of the candidates' statements. Said proclamation shall conform in all respects to the general State laws governing the conduct of municipal elections now or hereafter in force except as herein provided.

Printing of Ballots.

Sec. 10. The Registrar of Voters shall cause the ballots to be printed and bound and numbered as provided for by State law, except as otherwise required in this Chapter. The ballots shall contain the list of names and the respective offices, as set forth in the proclamation, and shall be substantially as hereinafter provided.

Heading and Directions to Voters.

(a) General (or recall, as the case may be) municipal election, City and County of San Francisco.

Instructions to Voters: To vote for any candidate stamp a cross (X) in one of the squares to the right of the candidate's name.

Vote your first choices in the first column, your second choices in the second column, your third choices in the third column.

Vote **First Choice** for as many candidates as there are offices to be filled.

Vote **Second Choice**, if any, for the same number.

Vote **Third Choice**, if any, for the same number.

Do not vote more than one choice for any one candidate.

To vote for a person whose name is not on the ballot, write name of such person in the blank space provided for such purpose.

If you wrongly mark, tear or deface this ballot, return it to the inspector of elections and obtain another.

Arrangement of Offices on the Ballot.

(b) The offices to be filled shall be arranged in the following order:

The Mayor, Police Judges, District Attorney, City Attorney, Assessor, Auditor, County Clerk, Sheriff, Treasurer, Tax Collector, Recorder, Public Administrator, Coroner, arranged in one or more columns, and the Supervisors in a column or columns separate from the others.

Every Nominee on Ballot.

(c) The name of every candidate who has been duly and regularly nominated shall be placed on the ballot under the title of the office for which he is a candidate; **provided**, that a candidate whose nomination has been completed, may, not less than thirty days before a municipal election and not less than twenty-five days before a recall election, withdraw as a candidate by filing with the Registrar of Voters, his withdrawal, naming the office; such withdrawal must be signed and sworn to by the person withdrawing, and no withdrawal at any later date shall be of any force or effect.

Rotation of Candidates' Names.

Sec. 11. The ballots for the Assembly district of the City and County designated by the lowest number shall have the names of each group of candidates for an office or offices arranged in alphabetical order, according to the family name of the candidate. In the Assembly district designated by the next higher number the groups of names shall be the same as in the district designated by the next lowest number, save that the last candidate in the group in the preceding district shall be placed at the beginning of the group, the succession of names to be otherwise unchanged, and so on, rotating the names in this order throughout all the Assembly districts.

In the event that the number of candidates in any group shall exceed the number of Assembly districts in the City and County, then the total number of candidates in such group shall be divided by the number of Assembly districts and the quotient, if an integral number, or if fractional then the next higher integral number shall be the number of candidates to be taken from the end and placed at the beginning of such a group in each successive Assembly district; the rotation then being in this manner, to-wit: if there be fifty-six candidates for Supervisor and twenty Assembly districts, numbered from twenty-five to forty-four, the fifty-fourth, fifty-fifth and fifty-sixth candidates in the group of the twenty-fifth district will be the first, second and third candidates, respectively, in the group in the twenty-sixth district.

Spaces for Name and for Voting Cross.

Sec. 12. (a) The candidate's name shall be printed in 8-point Roman capital type and shall be enclosed by lines above and below, three-eighths inch apart. Three three-eighths inch squares shall be provided at the right of the name of each candidate, wherein the voter may stamp a cross for that candidate his first, second or third choice, and at the top of each column of candidates the three columns of squares shall be designated "First Choice," "Second Choice" and "Third Choice," respectively.

Blank Spaces for Additional Candidates.

(b) Three-eighths inch spaces shall be left below the printed names of candidates for each office equal in number to the number to be elected, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Other Requirements of Ballot.

Sec. 13. All ballots shall be precisely of the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible, in each Assembly district to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column or columns may be provided on the right hand side for Charter amendments or other questions to be voted upon at the municipal elections, as provided for under the Charter.

Voting Machines.

Sec. 14. In the event of the use of voting machines the arrangement of

the ballot, the counting of the vote, the canvass of returns and the determination of the result shall be governed by the general laws of the State. (Amended November 7, 1922.)

No Party Designation.

Sec. 15. No party name or political designation or descriptive matter concerning the candidate shall appear on the ballot.

Form of Ballots.

Sec. 16. Except as to the order of names of candidates, the ballots shall be printed in the form designated by the Board of Election Commissioners.

Sample Ballots.

Sec. 17. The Registrar of Voters shall cause to be printed ballots identical with the ballots to be used in each Assembly district at the election and shall furnish copies of the same on application to registered voters at his office at least ten days before the date fixed for such election, and shall mail to each voter entitled to vote at such election a copy of the ballot to be used in his district, so that all said sample ballots shall have been mailed at least eight days before said election.

Sec. 18. The Registrar of Voters shall, at each municipal or special municipal election, prepare lists for and select and appoint for each election precinct a precinct board of election officers to hold and conduct such election at the precinct for which said board is appointed. Such board shall consist of four persons—one inspector, one judge and two clerks, who shall perform all the duties required by law at such polling places, except as in this Chapter provided. In constituting such precinct board the Registrar shall have the power to excuse persons appointed whenever he is satisfied any such person ought to be excused, and to substitute new appointees in all cases when any person appointed shall be excused or found disqualified or incompetent by the said Registrar of Voters, down to the time when the Registrar of Voters shall send the final inspector's list of such election officers to the inspector, which list shall be his final order of appointment.

Canvass of Returns and Determination of Results of Election.

Sec. 19. (a) The ballots cast at any given precinct shall not be counted at the polling place, but as soon as the polls are closed, the precinct election officers shall not open the ballot box except as may be necessary to close the mouth of the box, and see that the ballot box is correctly locked again without any ballot being removed or added and seal the same and separately seal the key in the manner provided by printed instructions from the Registrar of Voters, and as soon as said election officers have certified, signed and sealed the other packages or envelopes as required by law, such ballot box and key and packages shall be sent by not less than two of said precinct election officers to the office of the Registrar of Voters and there delivered to the Registrar, and until so delivered it shall be unlawful for such officers so conveying the same to allow any other person or persons to have possession of said ballot box or key or packages. Such officers shall proceed as continuously as possible to the office of the Registrar of Voters. Immediately upon the delivery of such ballot box to the Registrar of Voters or his deputy, said Registrar shall cause each such box to be plainly labeled with the correct number of the precinct in which such ballots were cast. The Registrar of Voters shall in such manner as he shall deem best calculate to provide competent persons, select and provide as many persons as he may deem necessary for the counting, tallying and certifying of returns of the vote cast in each precinct, and such persons shall have the qualifications required for election officers at State elections, save that all persons who are employed in the Department of Elections, or who report for service from the Civil Service of the City and County, shall, if not a candidate at such election, be qualified, save that none of the persons so selected need reside in a particular precinct. The persons so selected and provided shall be segregated by the Registrar of Voters or his deputies into counting boards respectively to consist of three persons each, and each such selected counting board shall proceed to count and tally such ballot by precincts separately under the direction of the Registrar of Voters or his deputies or such superintendents as the Registrar of Voters may direct in the same manner provided by law for counting, tallying and certifying ballots at State elections except as herein otherwise provided. The form of tally sheets shall be provided and determined by the Registrar of Voters, and there shall be

a certificate at the end thereof to the effect that the foregoing is the correct result of the election in such precinct, and such certificate shall be signed by the three persons who completed such tally list and return. The Registrar of Voters or any deputy empowered by him by writing may excuse or dismiss any such counting board at pleasure and enforce such order and substitute any person so provided by the Registrar of Voters in the place of any person so excused, dismissed, or who absents himself from said counting board. An person acting on any such counting board who shall refuse to obey any lawful order of the Registrar or his deputy shall be guilty of a misdemeanor. The tally sheets shall be in duplicate, kept by two clerks, and one copy upon the completion thereof shall be sealed and signed across the flap in the manner provided by the laws of the State of California for sealing tally lists where votes are counted at the precinct, and the other tally list shall remain open for inspection in the office of the Registrar of Voters. The returns so sealed shall be securely kept by the Registrar until produced before the Board of Election Commissioners for official canvass in the manner provided by law.

The Registrar of Voters shall fix the compensation to be paid to each member of such respective counting boards for counting, tallying, completing and certifying such votes and returns, which compensation shall not exceed five cents to each member of such board respectively for each ballot so counted, tallied, completed and certified, and such claims and demands when certified by the Registrar or his deputy and presented to the Board of Election Commissioners shall be allowed in open session, and the Auditor shall audit and the Treasurer pay such claims out of the general fund. Except as herein otherwise provided, the provisions of the laws of the State of California applicable to State elections or State election officers, and such laws relating to the official canvass and declaration of the result of State election returns shall apply to the counting, tallying, certifying, sealing, custody and official canvass of the ballots and returns counted and returned under the provisions of this Chapter. If there shall not be room enough in the Department of Elections for the counting of said votes, the Registrar of Voters may cause such counting to proceed in any place under the control of the city and county which may be obtained by him for such purpose, provided, that a notice of the location of such place be conspicuously displayed in the Department of Elections. Said votes shall be counted in a place open to the public, and the boards counting the same shall enter the total number thereof on the tally sheets provided therefor. They then shall count and enter the number of the first, second and third choice votes for each candidate on said tally sheet and make returns thereof to the Board of Election Commissioners as herein required. The canvass must be public, in the presence of bystanders and must be continuous, without adjournment, until completed and the result thereof is declared. Any candidate shall be entitled to a representative among the bystanders.

The provisions of this Chapter relating to counting the ballots shall not apply to a special municipal election at which a proposition or propositions, or question or questions, only is, or are, voted upon; but the ballots at all such special elections shall be counted at the respective polling places and returned by the precinct election boards under the laws applicable to such elections.

(b) If a ballot contain more than one vote for the same candidate, only the one of such votes highest in rank shall be counted. If a ballot contain either first or second or third choice votes for any office in excess of the number of places to be filled for such office no vote for that office in the column showing such excess shall be counted.

(c) Paragraph (b) of this section shall be printed conspicuously on the tally sheet.

(d) Candidates receiving a majority of the first choice votes for any office shall be elected. If the full number of candidates to be elected do not receive such a majority of the first choice votes for such office, a canvass shall then be made of the second choice votes received by those candidates for said office who are not elected by first choice votes; said second choice votes shall be added to the first choice votes received by such candidates and candidates who by such addition shall receive a majority shall be elected.

(e) If by the count of either first choice votes or first and second choice votes, as above provided, more candidates than there are offices to be filled shall receive a majority, the candidate or candidates equal in number to the number of offices to be filled having the highest vote shall be elected.

(f) If the full number of candidates to be elected do not receive a majority

by adding first and second choice votes, as above directed, a canvass shall then be made of the third choice votes received by those candidates for said office who are not elected, either by first choice votes or by adding first and second choice votes. Said third choice votes shall be added to the first and second choice votes received by such candidates, and the candidates, equal in number to the number of offices remaining to be filled, who receive the highest number of votes by said addition shall be elected.

(g) The above subdivisions (d), (e) and (f) shall be applied and carried out in the making of the official canvass and the declaration of the official result. (Amended November 5, 1918.)

Ties.

Sec. 20. A tie between two or more candidates shall be decided in favor of the one having the highest number of first choice votes. If they are also equal in that respect then the highest number of second choice votes shall determine the result. If this does not decide, then the tie shall be determined by lot, under the direction of the Board of Election Commissioners.

Majority Defined.

Sec. 21. A majority vote for any candidate for an office where but one is to be elected shall be deemed to be more than one-half of the total number of first choice votes cast for all candidates for such office.

A majority vote for a candidate for an office where a group is to be elected shall be more than one-half of the number secured by dividing the total of first choice votes cast for all candidates for such office by the number of places to be filled.

Failure of Persons Elected to Qualify.

Sec. 22. If a person elected fails to qualify, the office shall be filled as in this Charter provided for a vacancy in such office.

Informalities in Election.

Sec. 23. No informalities in conducting municipal elections shall invalidate elections if they have been conducted fairly and in substantial conformity to the requirements of this Charter.

Sec. 25. After the election of a Mayor for a full term at an election held under and pursuant to the provisions of this Chapter, the words "entire vote for all candidates for the office of Mayor" as used in the initiative Chapter III of Article XI of this Charter and the words "entire vote cast for mayor" as used in the referendum Chapter IV of Article XI of this Charter and as used in the recall Chapter V of Article XI of this Charter, shall in each respective case where such words are so used be deemed to mean the total of first choice votes cast for all candidates for Mayor for a full term at an election held under this Chapter. (Amended Nov. 7, 1916.)

CHAPTER III.

THE INITIATIVE.

Acts of Supervisors and Legislative Acts

Section 1. The registered voters shall have power to propose by petition, and to adopt or to reject at the polls, any ordinance, act or other measure which is within the power conferred upon the Board of Supervisors, or any legislative measure which is within the power conferred upon any other Board, Commission or officer. Such ordinance, act or other measure may be proposed by filing with the Board of Election Commissioners a petition setting forth said measure in full, signed by registered voters of the City and County as many in number as the percentages hereinafter required of the entire vote for all candidates for the office of Mayor cast at the last preceding regular municipal election.

Signatures.

Sec. 2. The words "registered voters" as used in this chapter, shall mean qualified voters whose names appear on the records of registration for the current or next preceding year. The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures in each section shall be at the pleasure of the person soliciting signatures to the same.

Any qualified voter of the city and county is competent to solicit signatures and make the affidavit of verification to said signatures. Each signer to said petition shall add to his or her signature his or her place of residence, giving the street and number, and there shall be also added by the said solicitor such other matter as is authorized by this section. Every section of such petition shall be verified by the person soliciting such signatures by his or her affidavit which affidavit shall be in the following form, with the blank spaces properly filled in:

"STATE OF CALIFORNIA,
City and County of San Francisco, | ss.

....., being duly sworn, deposes and says thathe is the person who in person solicited each and every signature to the annexed section of said petition, and that deponent has with pen and ink or indelible pencil numbered each such signature seriatim, commencing with number 1. That no person signed said petition upon said section except in the presence of deponent. That said section has not been left at any time where any person could sign the same except in the personal presence of deponent. That each and every signature to said section was made in the personal presence of deponent, and that to the best of his.....knowledge and belief each signature is the genuine signature of the person whose name purports to be thereunto subscribed. That deponent was at the time of soliciting such signature and now is, a duly qualified voter of the said city and county.

Said affidavit shall be subscribed by the person making such affidavit and sworn to by such person before a person authorized to take such oath to such affidavit. Each section of such petition must be prepared substantially in accordance with the requirements of this chapter, and all signing, not made, numbered and verified substantially in accordance with the requirements of this chapter shall be disregarded. The Registrar of Voters shall print sample sheets for signing such petition, in blank, and sample blank affidavits of verification, and furnish a copy of each to any person desiring to get up a petition.

The affidavit herein provided for shall be at the end of each section. The solicitor of such signatures, before his affidavit is taken, must number each signature upon the section seriatim, beginning with number 1, at the right hand of the residence opposite to each signature to such section in a column to be made for that purpose; such numbering must be with pen and ink or indelible pencil. There shall also be to the left hand of such signatures, a column at least one inch wide, in blank headed "Precinct," and to the left of that an additional blank space, substantially one-half inch wide, to admit of such abbreviations as the Registrar shall deem necessary to the expeditious mode of verification of such petition. All precincting shall be done by the office of the said Registrar, but no section or signature shall be rejected, because precincts have been inserted elsewhere, before filing. Any signer to a petition may withdraw his name from the same by filing with the Registrar of Voters a verified revocation of his signature before the filing of the petition. No signature can be revoked after the petition has been filed. The Registrar of Voters, or his deputy shall indorse on said petition the names of three persons who filed said petition, and the date of the filing of the same at the time of filing said petition. Unless and until it be proven otherwise by official investigation by the Registrar of Voters, it shall be presumed that the petition filed conforms to all legal requirements and contains the signatures of the requisite number of registered voters, and after an election based thereon, the sufficiency of such petition shall not be questioned. (Amended Nov. 7, 1916.)

Verification.

Sec. 3. The Registrar of Voters shall have fifteen (15) days after the filing of such petition, and the same time after receipt by him of a Charter amendment petition in which to verify the same and certify the result thereof in the manner provided by this section. Within such time, the Reigstrar of Voters shall finally determine from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote. If any signature be called in question, the said Registrar of Voters shall mail notice to such purported signer, stating that his or her name is attached to such petition and citing him or her to appear before said Registrar of Voters forthwith, naming the time and place. Said citation shall inclose a blank affidavit, denying that the person signing such affidavit signed such petition, and said citation shall also contain a statement, that a blank affidavit denying that such person signed such

petition, is enclosed, and that if such person does not desire to attend in person to deny his signature he may swear to such affidavit of denial before any officer authorized to take oaths, and mail the same to the Registrar of Voters, and that if he does not so attend and deny such signature in person, or by making and mailing such affidavit of denial that his purported signature to such petition will be treated as genuine.

Unless said purported signer shall appear when cited and deny his signature under oath before said Registrar, or his deputy, or unless the Registrar of Voters shall receive such sworn affidavit of denial of such signature, before the time when by this chapter the said Registrar must, as aforesaid, make such final determination, such signature must be counted as genuine.

The Registrar shall keep a list of the names of all purported signers who appear before him and deny their signature under oath, and also file and keep such affidavits, for at least five years.

The Board of Supervisors shall make necessary appropriation of money, and the Board of Election Commissioners shall allow to the Registrar of Voters all the extra help he may require for the purpose of examining and making investigation of such petition. The Registrar of Voters, upon the completion of such examination and determination, shall forthwith attach to said petition his certificate properly dated and showing the result of said examination, and shall forthwith mail a copy of said certificate to the respective persons endorsed by him on said petition as filers thereof. If by said certificate the petition is shown to be insufficient, it may be amended by additional signatures within twenty days after the date of said certificate, in the same manner in all respects as required for the original petition. Within ten days after the filing of such amended or supplemental petition, the Registrar of Voters shall make like examination and determination of the amended or supplemental petition, and attach and mail a like certificate. If, upon the examination and certification of such original petition, or such original and supplemental petition, it shall appear that a sufficient number of qualified voters have signed such petition to require an election to be held thereon, the Registrar of Voters shall, if a special election is required to be held upon such petition, require the Board of Election Commissioners to meet in not less than five days after the date of his certificate that such petition is sufficient, and if no regular meeting of the Board of Election Commissioners is set within such required period, the Registrar of Voters is authorized and required to issue a call for a special meeting of said Board to convene within the required time, and at such meeting of the Board, or any of the meetings of the Board within said required time, said Registrar of Voters shall report the sufficiency of such petition to said Board of Election Commissioners and exhibit a certificate or certificates attached to said petition, or amended petition, or both, and said Board shall, if said certificate show the petition sufficient, call an election as required. If, however, after the examination of said petition and any amended or supplemental petition, or after the expiration of the time when the supplemental petition is permitted to be filed, said petition is shown insufficient, the Registrar of Voters shall report such insufficiency to the Board of Election Commissioners at their next regular meeting after the fact of such insufficiency shall have become final, and exhibit his certificate or certificates so attached to such petition or petitions. A petition finally insufficient does not prevent a new proceeding.

The words "last preceding regular municipal election", or "last preceding general municipal election," wherever the same occur in Chapters III, IV or V of said Article XI of said Charter, mean the last municipal election at which a mayor for said city and county was elected for a full term. (Amended Nov. 7. 1916.)

Ten Per Centum for Special Election.

Sec. 4. If the petition accompanying the proposed measure be signed by registered voters as many in number as ten per cent of the said entire vote, and contains a request that said measure be submitted forthwith to a vote of the electorate at a special election, then the Board of Election Commissioners shall forthwith call a special election, which shall be held at a date not more than thirty days from the date of calling the same, at which said measure, without alteration, shall be submitted to a vote of the electorate.

Four Per Centum for General Election.

Sec. 5. If the petition be signed by registered voters as many in number as four per cent but less than ten per cent of the said entire vote, or if for any reason any measure proposed by a petition signed by registered voters as many

in number as ten per cent of said entire vote has not been submitted at a special election as provided in Section 4 of this chapter, then, in either event, such measure or measures, without alteration, shall be submitted by the Board of Election Commissioners to a vote of the electorate at the next general State or municipal election that shall occur at any time after thirty days from the date of the certificate of sufficiency attached to the petition accompanying such measure. (Amended Nov. 7, 1916.)

Form of Ballot. Majority Vote.

Sec. 6. The ballots used when voting upon said proposed measure shall contain a general statement thereof, followed by the words "Yes" and "No," so arranged that the voter may indicate his choice upon the ballot. If a majority of the qualified electors voting on said proposed measure shall vote in favor thereof, it shall go into effect ten days after the declaration of the official count.

Competing and Conflicting Measures. Repeal.

Sec. 7. When there are two or more measures proposed to secure the same general purpose, the Board of Election Commissioners shall so declare, and shall have the ballots so printed that the voter (first) can choose between any measure or none, and (secondly) can express his preference for any one. If a majority of the votes on the first question is affirmative, then the measure receiving the highest number of votes shall become law and the others shall fail of passage. In case two or more measures are tied for the highest vote, they shall be resubmitted at the next ensuing general election. If there is a conflict between two or more measures or between two or more Charter amendments adopted at the same election, then the measure or charter amendment receiving the highest affirmative vote shall prevail. No ordinance or measure approved by the electorate under the provision of this chapter shall be subject to veto, or be amended or repealed except by vote of the electorate, unless such ordinance or measure shall otherwise provide.

Elections.

Sec. 8. All arrangements for an election under this chapter shall be made and the same shall be conducted, returned and the results thereof declared, so far as practicable, in all respects as are municipal elections, and State penal laws applicable to general election shall apply to elections held hereunder; provided, if there be any conflict of provisions, this chapter shall control. Any number of proposed measures, ordinances, referendum petitions, or other measures, may be submitted on one petition and may be voted upon at the same election in accordance with the provisions of this chapter; provided, that there shall not be held under this chapter more than one special election within a period of six months.

Measure to Be Mailed to Voters.

Sec. 9. Whenever any measure is required by this Charter to be submitted to the voters of the City and County at any election, the Board of Election Commissioners shall cause the measure to be printed, in substantially the same form as the latest municipal edition of this Charter, and they shall enclose a printed copy thereof, in an envelope with a sample ballot, and mail the same to each voter, at least five days prior to the election.

Arguments to Be Mailed to Voters.

Sec. 10. If said proposition be submitted upon an initiative petition by the registered voters, the persons filing said petition shall have the right to present to the Board of Election Commissioners, at any time twenty-five days prior to said election, copies of printed arguments favoring said proposition; if said proposition be submitted by the Mayor, or by the Board of Supervisors, or by one-third of the Board of Supervisors, or by persons filing a referendum petition, they shall have a similar right to present copies of printed arguments; said arguments shall be printed in substantially the same form as the latest municipal edition of this Charter and shall not exceed eight pages in length upon each proposition. Any person, committee or organization opposing any proposition may each present, in like manner and of the same form and amount and within the same time, printed arguments opposing said proposition. Copies of said arguments either for or against, shall be presented equal in number to five per cent in excess of the total number of registered voters. The Board of Election Commissioners shall cause one copy of each of said arguments to be bound with their copy of the measure or amendment which is to be mailed to each voter as required by Section 9 of this chapter.

Election Is Mandatory.

Sec. 11. If any measure proposed by petition or upon which a referendum vote is requested by petition, in accordance with the provisions of this Charter, be not submitted to the voters at or within the time elsewhere specified in this Charter, such petition shall remain in force until such measure shall be submitted to a vote, and no bond issue, or other measure proposed by the Board of Supervisors shall be submitted to the voters unless at the same election, or prior thereto, there shall be submitted to the voters the measures upon which a vote is requested by petition, if any vote be so requested and upon which a vote has not been taken at or within the time elsewhere specified in this Charter. This section is prohibitory and mandatory.

Charter Amendments.

Sec. 12. The provisions of this chapter, unless prohibited by the State Constitution, shall apply to the proposal, submission and adoption of Charter amendments.

Declarations of Policy.

Sec. 13. Any declaration of policy or principle of legislation may be submitted to the electors in the manner provided for the submission of ordinances; and when approved by a majority of the voters voting at any election, it shall thereupon be the duty of the Board of Supervisors or other legislative body to enact an ordinance or ordinances to carry such policies or principles into effect, subject to the referendum provisions of Chapter IV of Article XI of this Charter.

Special Election Fund.

Sec. 14. In the first annual budget to be hereafter adopted by the Board of Supervisors, said Board shall appropriate not less than fifty thousand dollars to be known as the Special Election Fund, to be used exclusively for defraying the cost of verifying petitions and other expenses of special elections initiated by petition of the electorate, including recall elections. In the event of the expenditure of any of said fund, the Board of Supervisors in the next succeeding annual budget shall appropriate a sum sufficient to replete said Special Election Fund.

Substantial Compliance.

Sec. 15. A substantial compliance with the provisions of this chapter shall be sufficient for the holding of an election hereunder and the approval or rejection of any measure submitted therat.

CHAPTER IV.**THE REFERENDUM.****Public Utilities.**

Section 1. Every ordinance or other measure involving the lease or sale of any public utility, or the granting of a new franchise for the operation of any public utility whose franchise has expired or is about to expire, must be referred and submitted to the vote of the electors of the City and County at the election next ensuing not less than sixty days after the adoption of such ordinance, and shall not go into effect until ratified by a majority of the voters voting thereon.

Referendum by Supervisors. By Mayor.

Sec. 2. Any ordinance which the Supervisors are empowered to pass may be submitted by a majority of the Board at a general election or at a special election called for the purpose, said election to be held not less than thirty days from the date of the call. Any such ordinance may be proposed by one-third of the Supervisors or by the Mayor, and when so proposed shall be submitted to the electors at the next succeeding general election.

Referendum by Electors.

Sec. 3. No ordinance passed by the Supervisors granting any public utility franchise or privilege, or authorizing the lease or sale of any lands, or authorizing the purchase of lands of more than fifty thousand dollars in value shall go into effect until the expiration of sixty days from the date it becomes final: (a) by approval of the Mayor; (b) or without his approval by the expiration of the time prescribed by this Charter within which he may disapprove it; or (c) by its passage by the Board of Supervisors over his objection in the event

of such disapproval. At the end of such sixty days such ordinance shall be in force and effect, unless within such period there shall be filed with the Election Commissioners a petition signed by registered voters equal in number to five per cent of the entire vote cast for Mayor at the last preceding regular municipal election, requesting that such ordinance be submitted to the electors. In case such petition is filed, such ordinance shall not go into effect until approved by a majority of the voters voting thereon at a general or special election.

Regulations Governing Petitions.

Sec. 4. A petition asking that any ordinance be submitted to the electors shall conform to the provisions of Sections 2 and 3 of Chapter III of this Article (the Initiative), which are hereby made a part hereof.

Time of Elections.

Sec. 5. If a petition be filed more than sixty days and less than ninety days prior to a general election, it shall be submitted at such general election. Otherwise it shall be submitted at the next general election or at a special election called prior thereto, as the Supervisors shall decide.

Elections—How Conducted.

Sec. 6. Sections 6, 7, 8, 9, 10, 11 and 15 of Chapter III (the Initiative), so far as applicable, shall govern elections held under the authority of this chapter.

Majority Vote.

Sec. 7. If a majority of the votes cast on any ordinance or measure so referred to the electors, as herein provided, shall be in favor thereof, it shall go into effect ten days after the determination of the official count; otherwise it shall be repealed and rejected.

Substantial Compliance.

Sec. 8. A substantial compliance with the provisions of this chapter shall be sufficient for the holding of an election hereunder and for the approval or rejection of any measure submitted therat.

CHAPTER V.

THE RECALL.

Elected Officials. Ten Per Centum. Statement of Grounds.

(In effect January 8, 1912.)

Section 1. The holder of any elective office may be removed or recalled by the electors. The procedure to effect such removal or recall shall be as follows: A petition demanding the election of a successor to the person sought to be removed or recalled shall be filed with the Board of Election Commissioners. Such petition shall be signed by registered voters equal in number to at least ten per cent of the entire vote cast for Mayor at the last preceding general municipal election, provided that not less than seven thousand nor more than fifteen thousand signatures of such electors shall be required on such petition. Said petition shall contain a statement of the grounds on which the removal or recall is sought, which statement is intended solely for the information of the electors. Any insufficiency of form or substance in such statement shall in no wise affect the validity of the election and proceedings held thereunder. No recall petition shall be filed against any officer until he has actually held his office for at least four months.

Signatures. Verification.

Sec. 2. Said petition shall be in all respects in accordance with the provisions of sections 2 and 3 of Chapter III (the Initiative) of Article XI of this Charter, which sections are hereby made part hereof, and shall be examined and certified as provided by said sections last mentioned. (Amended Nov. 7, 1916.)

Special Election.

Sec. 3. Unless the petition shall be found insufficient in the number of signatures of registered voters attached thereto, within the time provided for examining and certifying the result of the examination of said petition, the Board of Election Commissioners shall, within the time provided therefor, order and fix a date for holding the said election, said date to be not less than thirty-five

nor more than fifty days after the date of the order fixing the date of said election; **provided, however**, that where the office has become vacant by death, resignation or otherwise, between the time of the filing of the petition and the fixing of a date for an election, no recall election shall be held. Such vacancy shall be filled in the manner provided by this Charter. If a vacancy occur in said office after date for holding said election has been fixed, as herein provided, the election shall nevertheless proceed as in this chapter provided. (Amended Nov. 7, 1916.)

Several Removals at One Election. Publication.

Sec. 4. One petition is competent to propose the removal and election of one or more elective officials. One special election is competent for the removal and election of one or more elective officials. The Board of Election Commissioners shall make or cause to be made due publication or notice of said election.

Nominations.

Sec. 5. The Registrar of Voters shall in any recall election place upon the ballot the name of the incumbent whose removal is thus sought, unless such incumbent shall file in writing a request that his name do not appear. Any person may be nominated for any office sought to be filled at such recall election by filing the declaration of candidacy and the certificates of not less than ten or more than twenty sponsors in the form provided in Chapter II of this article for the general municipal election. Such declaration and certificates shall be filed with the Registrar of Voters not less than twenty-five nor more than thirty-five days before the date set for the recall election. (Amended Nov. 7, 1916.)

Sample Ballot. Printed Statements.

Sec. 6. Upon the sample ballot there shall be printed in not more than three hundred words the reasons for demanding the recall of the officer as set forth in the recall petition, and upon the same ballot in not more than three hundred words the officer may justify his course in office.

Form of Ballot. Election.

Sec. 7. Elections for the recall or removal of an elected officer shall be conducted as provided in Chapter II of this Article for the election of officers at the general municipal election, and the ballots shall be prepared, cast and counted in the manner therein prescribed (Amended Nov. 7, 1916.)

Removal. Successor. Second Recall.

Sec. 8. If some other person than the incumbent receive the number of votes required to constitute an election the incumbent shall thereupon be deemed removed from office and the person so elected shall succeed him upon taking the oath of office. The successor of the official so removed shall hold office during the unexpired portion of the term for which such official was elected, unless sooner recalled under the provisions of this chapter. If the incumbent receive the number of votes necessary to constitute an election, he shall continue in office; and it shall require not less than double the number of signatures provided in Section 1 of this chapter to initiate a second election for his recall; and if re-elected at such second recall election it shall require not less than three times the number of signatures provided in Section 1 of this chapter to initiate a third election for the recall of such officer during the term for which he was elected. (Amended Nov. 7, 1916.)

Reimbursement for Election Expenses.

Sec. 9. If the incumbent receive a majority of the votes at such recall election, he shall be reimbursed out of the Special Election Fund for his expenses in such recall election; provided, that such payment shall not exceed the amount he is permitted to spend under the Purity of Elections Act now in force.

Vacancies. Disqualification.

Sec. 10. In the event of a vacancy occurring in any such office between the date of the filing of such petition with the Board of Election Commissioners and the holding of such election, where such petition is found sufficient, such vacancy shall be filled in the same manner as other vacancies occurring in such office, but the person selected to fill such vacancy shall hold such office only until the person elected in accordance with the provisions of this chapter shall qualify. No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within two years from such recall or resignation.

Substantial Compliance.

Sec. 11. A substantial compliance with the provisions of this chapter shall be sufficient for the holding of an election, and for the removal and election of any officer thereunder.

ARTICLE XII.**ACQUISITION OF PUBLIC UTILITIES.**

(Amended December 4, 1902. Approved February 5, 1903.)

Public Ownership of Utilities.

Section 1. Whenever the Board of Supervisors by ordinance, as hereinafter provided, shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities by the City and County, or whenever the electors shall petition the Board of Supervisors, as provided in Section 3 of this Article, for the acquisition of any public utility or utilities, the Board of Supervisors must procure from the Board of Public Works, through the City Engineer, plans and estimates of the cost of original construction and completion, by the city and county, of such public utility or utilities.

In securing estimates of the cost of original construction and completion of water works, by the city and county, the Board of Supervisors must procure, as hereinabove specified, and place on file plans and estimates of the cost of obtaining from such sources as the Board of Supervisors may designate as available, a sufficient supply of good, pure water for the city and county.

Supervisors to Solicit Offers.

Sec. 2. Before submitting propositions to the electors for the acquisition by original construction or condemnation of public utilities, the Board of Supervisors must solicit and consider offers for the sale to the city and county of existing utilities, in order that the electors may have the benefit of acquiring the same at the lowest possible cost thereof.

Acquisition of Public Utilities.

Sec. 3. Whenever a petition or petitions, each signed by electors of the city and county equal in number to fifteen per centum of all the votes cast in the city and county at the last preceding general election, shall be presented to the Board of Supervisors, setting forth that the signers of such petition or petitions favor the acquisition of the public utility or utilities therein named, it shall be the duty of the Clerk of the Board of Supervisors to immediately proceed to examine and verify the signatures to such petition or petitions, and to certify the result of such examination to the Board of Supervisors. If the required number of signatures be found to be genuine, the Clerk shall transmit to the Mayor an authentic copy of such petition or petitions, without the signatures thereto.

Upon receiving a certificate of the Clerk that the petition or petitions contain the required number of genuine signatures, it shall be the duty of the Board of Supervisors to procure, in the manner specified in Section 1 of this Article, plans and estimates of the cost of original construction and completion of each public utility named in such petition or petitions.

Thereafter, the Board of Supervisors shall formulate for submission to the electors of the city and county at a special election called for the purpose, a separate proposition for the acquisition of each public utility named in such petition or petitions.

The Mayor shall also have the right to formulate and submit to the electors, at such special election, a proposition for the acquisition of each public utility named in such petition or petitions, separate from the proposition therefor formulated by the Board of Supervisors.

All propositions formulated under the provision of this Section shall be completed within six months after the filing of such petition or petition.

Nothing in this section shall be so construed as to prohibit the Board of Supervisors from responding to the aforesaid petition or petitions of the electors requesting the acquisition of any public utility or utilities by proceeding at once, without the submission of propositions to the electors as aforesaid to pass an ordinance declaring its determination, as provided in Section 5 of this Article, to acquire the same, and from proceeding thereafter to secure the acquisition thereof, as hereinafter provided.

Special Election.

Sec. 4. At the next regular meeting after the completion of the proposition or propositions for the acquisition of the public utility or utilities named in such petition or petitions, the Board of Supervisors, by ordinance, as hereinafter in Section 6 provided, shall call a special election at which the propositions of the Board of Supervisors and of the Mayor, if he formulate any, shall be submitted to the electors of the city and county.

When the cost of any public utility or utilities named in such petition or petitions can be paid out of the annual revenues of the city and county in addition to the other necessary expenses thereof, each proposition therefor, submitted to the electors, shall specify the cost of the utility therein proposed for acquisition by the city and county, the proposed method and manner of payment thereof, and the Board of Supervisors shall submit therein to the electors the question whether the same shall be acquired upon such terms. A majority of the electors voting at such special election shall be necessary to accept such proposition.

At as early a date after the determination of the result of such special election as the Board of Supervisors shall deem for the best interests of the city and county, it shall undertake proceedings and enter into such negotiations and contracts as may be necessary for the acquisition of any public utility or utilities named in any proposition or propositions accepted by a majority of the electors voting at such special election.

If, however, the cost of any public utility or utilities, named in any petition or petitions of the electors, shall so far exceed the annual revenues of the city and county, in addition to the other necessary expenses thereof, as to render it necessary to incur a municipal bonded indebtedness therefor, each proposition for the acquisition of such public utility or utilities shall specify the amount of the bonded indebtedness necessary therefor and the rate of interest thereon, and the Board of Supervisors shall submit to the electors, at such special election, the question whether such bonded indebtedness shall be incurred. At least two-thirds of the electors voting at such special election shall be necessary to secure the acquisition of such public utility or utilities and to warrant the issuance of municipal bonds therefor.

Declaration by Board of Supervisors.

Sec. 5. Whenever the Board of Supervisors shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities, it shall specifically declare such determination by an ordinance, which shall also direct the Board of Public Works to procure and file plans and estimates of the cost of original construction and completion of such public utility or utilities. Such ordinance shall be published for at least two weeks in the official newspaper.

When the cost of such public utilities, or any of them, can be paid out of the annual revenues of the city and county in addition to the other necessary expenses thereof, the Board of Supervisors shall, as soon after the filing of the plans and estimates of cost thereof as it may deem for the best interests of the city and county, enter into such negotiations and contracts as may be necessary for the acquisition of the same.

If, however, the cost of such public utilities, or any of them, shall so far exceed the annual revenues of the city and county in addition to the other necessary expenses thereof, as to render it necessary to incur a municipal bonded indebtedness therefor, the Board of Supervisors shall, at any regular meeting held within eight weeks after the filing of the plans and estimates of cost thereof, by ordinance, as hereinafter in Section 6 of this Article provided, call a special election, at which shall be submitted to the electors a proposition or propositions for the acquisition of such public utility or utilities. Such propositions shall specify the amount of the bonded indebtedness necessary for the acquisition of the utility or utilities therein named and the rate of interest thereon, and the Board of Supervisors shall submit to the electors the question or questions whether such bonded indebtedness shall be incurred. At least two-thirds of the electors voting at such special election shall be necessary to warrant the issuance of municipal bonds for the acquisition of such public utilities, or any of them. (As amended December 4, 1902, approved by the Legislature February 5, 1903.) (Statutes 1903, page 593.)

Ordinance for Special Election.

Sec. 6. Whenever, under the provisions of this Article, it shall be necessary to call a special election for the purpose of submitting to the electors a

proposition or propositions for the acquisition of public utilities, the Board of Supervisors shall pass an ordinance calling such special election for such purpose.

At such special election all propositions for the acquisition of public utilities, formulated under the provisions of this Article, may be submitted to the electors of the city and county. No question except the acquisition of public utilities and the incurring of municipal indebtedness therefor shall be submitted at such special election. (As amended December 4, 1902, approved by the Legislature February 5, 1903.) (Statutes 1903, page 594.)

Ordinance; What Shall Set Forth.

Sec. 7. The ordinance calling such special election shall set forth the purposes for which the election is called, the estimated cost of each utility proposed for acquisition by the city and county, the proposed method and manner of payment thereof, and shall fix a day on which such special election shall be held, the manner of holding such election and the manner of voting for or against each proposition thereat submitted to the electors; and, if it shall be necessary to incur a municipal indebtedness for any utility or utilities therein proposed for acquisition by the city and county, the ordinance shall specify the objects and purposes for which such indebtedness is proposed to be incurred, and that bonds of the city and county shall issue for the payment of the cost of such utility or utilities, as in such ordinance set forth (if the proposition or propositions therefor be accepted by the electors). Such election shall be held as provided by law for holding elections in the city and county. (As amended December 4, 1902, approved by the Legislature February 5, 1903.) (Statutes 1903, page 594.)

Publication.

Sec. 8. Such ordinance shall be published daily for at least ten days in the official newspaper. At the expiration of said ten days the Supervisors shall cause to be published daily for not less than two weeks in the official newspaper a notice of such special election. Such notice shall specify the purpose for which the indebtedness is to be incurred, the number and character of the bonds to be issued, the rate of interest to be paid, and the amount of tax levy to be made for the payment thereof. (As amended December 4, 1902, approved by the Legislature February 5, 1903.) (Statutes 1903, page 594.)

Limit of Indebtedness.

Sec. 9. No indebtedness shall be incurred for the acquisition of any public utility under the provisions of this Article, which, together with the existing bonded indebtedness of the city and county, shall exceed at any one time fifteen per centum of the assessed value of all real and personal property in the city and county; **provided**, that any bonded indebtedness which may be incurred under the provisions of Section 29a of Article XVI of the Charter, in aid of an exposition to celebrate the completion of the Panama Canal, shall be exclusive of the bonded indebtedness of the city and county limited by this section. (As amended November 15, 1910, approved by the Legislature February 17, 1911.)

Bonds for Acquisition of Public Utilities.

Sec. 10. The bonds issued under the provisions of this Article shall be of such form as the Supervisors in the ordinance calling the election therefor shall determine; but such bonds shall be payable, interest and principal, in gold coin of the United States. The interest on such bonds shall not exceed 5 per cent per annum, and they shall be redeemed at such times and in such amounts as the Supervisors shall determine, as set forth in the ordinance calling the special election; **provided**, that redemption of such bonds shall begin in not more than eighteen years and shall be completed in not more than seventy-five years from the date of the issue.

The bonds so issued shall be exempt from all taxation for municipal purposes and shall be issued in denominations of not less than ten dollars and not more than one thousand dollars, and preference in the sale and allotment thereof shall be given to subscribers for the smallest amounts and the lowest denominations.

The Supervisors shall fix the times and places at which the payment of interest or principal may be made.

Such bonds when issued may be sold by the Supervisors from time to time, as required, and in such quantities as they may determine. When such bonds are offered for sale they shall be advertised in the official paper and otherwise if so ordered by the Supervisors and sealed proposals for the purchase of the

whole or any part thereof offered shall be opened at the time specified in such advertisements. All proposals for the purchase of such bonds shall be accompanied by a deposit of 5 per cent of the amount bid in lawful money of the United States or by a deposit of a certified check payable to the Clerk of the Board of Supervisors of the City and County for a like sum; **provided**, that no deposit need exceed the sum of ten thousand dollars, and that no deposit need be given by the State of California, which money or check shall be forfeited by the bidder in case he fails to accept and pay for the bonds bid for by him if his bid is accepted. Bonds shall be sold to the highest bidder for not less than par, but the Supervisors shall have the right to reject any or all bids made for the purchase thereof. If less than the amount of bonds offered shall be sold, the Supervisors may, with the concurrence of fourteen members and the Mayor, place such unsold bonds on sale at the City Treasury, or at branches thereof established by the Treasurer for public convenience; and such bonds may be sold to any applicant at such prices as may be fixed by the Supervisors, provided that such prices shall not be less than par and accrued interest.

The proceeds of any sale of bonds shall be placed in the treasury to the credit of the proper fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issue until such objects are fully accomplished; after which, if any surplus remains, such surplus may be transferred to the general fund, except that if such surplus exceeds the sum of two thousand dollars, then such surplus and the whole thereof shall be transferred to the appropriate fund or funds to pay the interest and maintain the sinking fund or provide for the retirement of the bonded indebtedness in connection with which such surplus remains.

If the bonds or any of them offered for sale shall remain unsold the Supervisors may so declare, and may, with the concurrence of fourteen members and the Mayor cancel such unsold bonds, provided that no bonds shall be canceled as aforesaid unless the same have been offered for sale by advertisement, as above provided, at least three separate times at intervals of not less than thirty days, and provided that no such bonds shall be canceled by the Supervisors as aforesaid for which par or above has been bid by any bona fide responsible bidder or bidders.

The provisions of this section, regarding the cancellation of unsold bonds, shall apply to any bonds that have been heretofore issued or to any bonds that have been heretofore authorized by a vote of the electors of the city and county under this section or under Section 29 of Article XVI of this Charter, and that remain unsold after efforts to sell the same shall have been made as above provided.

Whenever the owner of any coupon bond, or of any bond payable to bearer, already issued or hereafter issued by the city and county shall present any such bond to the Treasurer with a request for the conversion of such bond into a registered bond, such Treasurer shall cut off and cancel the coupons of any such coupon bond so presented, and shall stamp, print or write upon such coupon bond or such other bond payable to bearer, so presented, either upon the back or upon the face thereof, as may be convenient, a statement to the effect that the said bond is registered in the name of the owner, and that thereafter the interest and principal of said bond are payable to the registered owner. Thereafter, and from time to time, any such bond may be transferred by such registered owner in person, or by attorney duly authorized on presentation of such bond to Treasurer, and the bond be again registered as before, a similar statement being stamped, printed or written thereon. Such statement stamped, printed or written upon any such bond may be in substantially the following form:

(Date—giving month, year and day.)

This bond is registered pursuant to Charter of the City and County of San Francisco, State of California, in the name of (here insert name of owner), and the interest and principal thereof are hereafter payable to such owner.

....., Treasurer.

After any bond shall have been registered as aforesaid, the principal and interest of such bond shall be payable to the registered owner. Such Treasurer shall keep in his office a book or books which shall, at all times, show what bonds are registered and in whose names, respectively. (As amended November 5, 1907, approved by the Legislature November 22, 1907.) (Statutes Special Session, 1907, page 15.)

Signatures, Coupons.

Sec. 11. Such bonds shall be signed by the Mayor and the Treasurer, and shall be countersigned by the Auditor. The coupons shall be numbered consecutively and signed by the Treasurer, and the bonds and coupons shall be payable at the office of the Treasurer. (As amended December 4, 1902, approved by the Legislature February 5, 1903.) (Statutes 1903, page 595.)

Levy of Tax to Annual Interest on Bonds.

Sec. 12. At the time of levying the municipal tax and in the manner provided for such tax levy, the Supervisors shall levy and collect annually a tax sufficient to pay the annual interest on such bonds, and also such part of the bonded municipal indebtedness as will fall due within the succeeding fiscal year, and as may be necessary to provide for the sinking fund payments of the next succeeding fiscal year; provided that when the interest and sinking fund payments for any fiscal year on the bonds issued for any public utility can be met out of the surplus earnings of such public utility for the preceding fiscal year, no tax shall be levied for such purpose. Such taxes shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected. (As amended November 5, 1907, approved by the Legislature November 22, 1907.) (Statutes Special Session, 1907, page 17.)

Penalty for Failure to Enforce This Article.

Sec. 13. A neglect or refusal on the part of the Supervisors to comply with the provisions of this Article shall constitute cause for the removal from office of any member or members of the Board guilty of such neglect or refusal. (As amended December 4, 1902, approved by the Legislature February 5, 1903.) (Statutes 1903, page 596.)

Power to Acquire Public Utilities.

Sec. 14. The city and county shall have power to acquire, construct or complete any public utility from funds derived from taxes levied for that purpose, or from funds derived from the sale of bonds issued for that purpose, as is provided in this Charter, and may operate, maintain, sell or lease the same, subject to the other provisions and limitations of this Charter.

Acquisition of Lands for Water Purposes.

Sec. 15. The Supervisors shall have power, in the name and for the benefit of the city and county, to acquire by purchase or condemnation, subject to the conditions and limitations in this Charter, and the general laws of the State prescribed, any lands situated within the State of California necessary for constructing or maintaining canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes for conducting or storing water for the use of the city and county, or the inhabitants thereof.

Disposition of Receipts From Public Utilities.

Sec. 16. 1. Whenever any public utility shall be operated by the city and county, the receipts from such utility shall be paid daily into the City Treasury and maintained in a special fund set aside for such utility. The Supervisors may, from time to time, make appropriations from such funds for the following purposes:

- (a) For the payment of the operating expenses of such utility;
- (b) For repairs and reconstruction;
- (c) For payment of interest and sinking fund on the bonds issued for the acquisition or construction of such utility;
- (d) For extensions and improvements;
- (e) For a reserve fund.

Reserve Fund.

2. Whenever the reserve fund shall exceed one-half of the payment for operating expenses in the preceding fiscal year, the Supervisors shall have the power to appropriate such excess to the general fund.

Books of Account.

3. The city and county, when owning any public utility, shall keep the books of account for such public utility distinct from other city and county accounts and in such manner as to show the true and complete financial results of such municipal ownership, or ownership and operation, as the case may be.

Such accounts shall be so kept as to show the actual cost to the city and county of the public utility owned; all costs of maintenance, extension and improvement; all operating expenses of every description, and in case of such municipal operation the amounts set aside for sinking fund purposes. If any service shall be furnished for the use of such public utility without charge, the accounts shall show as nearly as possible the value of such service, and also the value of such similar service rendered by the public utility to any other municipal department without charge; such accounts shall also show reasonable allowances for interest, depreciation and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. The Supervisors shall cause to be printed annually for public distribution a report showing the financial results, in form as aforesaid, of such municipal ownership and operation. The accounts of such public utility, kept as aforesaid, shall be examined at least once a year by an expert accountant, who shall report to the Supervisors the result of his examination. Such expert accountant shall be selected in such manner as the Supervisors may direct, and he shall receive for his services such compensation, to be paid out of the income or revenues from such public utility, as the Supervisors may prescribe. (Sections 14, 15, 16 added by amendment adopted November 5, 1907, approved by the Legislature November 23, 1907.) (Statutes Special Session, 1907, page 37.)

TERMS OF OFFICERS.

Sec. 38a. The term of office of the Mayor, County Clerk, Auditor, District Attorney, Sheriff, Coroner and nine of the eighteen Supervisors shall be four years, commencing January 8, 1912, and the term of office of the Tax Collector, Recorder, City Attorney, Public Administrator, Treasurer and nine of the eighteen Supervisors shall be two years until the eighth day of January, 1914, and thereafter shall be four years.

Thereafter all the terms of the officers herein named shall be four years. The nine Supervisors receiving the highest number of votes at the municipal election held in 1911 shall be the Supervisors whose terms shall be four years from January 8, 1912, and the terms of the nine Supervisors receiving the next highest number of votes at said municipal election shall be two years from January 8, 1912, provided that if it should be impossible to determine the highest number of votes by reason of others having received the same number of votes, then those so tied shall choose by lot the four-year term. At each general municipal election officers shall only be chosen to succeed those whose terms expire in the month of January next following. The provisions of this section shall be deemed to be amendatory of all other provisions in the Charter relating to the terms of officers herein named, whether heretofore existing or contained in sections amended in other respects, concurrently with the adoption of this amendment. (Adopted November 15, 1910.)

PRESIDENTIAL PRIMARY ACT

An act to provide for the indication by the registered qualified electors of their choice for nomination by their respective political parties for President of the United States through the election of the delegates of said political parties to their respective national conventions. (Amended April 28, 1915; January 11, 1916; April 20, 1923.)

Section 1. On the first Tuesday in May of each year of the general November election at which electors of president and vice president of the United States are to be chosen, there shall be held a primary nominating election, to be known as the May presidential primary election, at which the registered qualified electors shall have opportunity, on separate party ballots provided for that purpose, to elect the delegates of their respective political parties to their respective national conventions for the nomination of their party candidates for president and vice president of the United States, thereby indicating the preference of said electors for their presidential nominee.

Sec. 2. The chairman of the state central committee of each of the political parties qualified to participate in the election provided for in this act shall notify the secretary of state on or before the first day of March of each year of the general November election at which electors of president and vice president of the United States are to be chosen, as to the number of delegates to represent the state in the next national convention of his said party. If said chairman, or any of them, fail to file such notice, it shall be the duty of the secretary of state to ascertain the said number of delegates from the call for said national convention issued by the national committee of each party whose chairman has failed to notify him as aforesaid. The delegates who shall represent each political party at its national convention shall all be elected by the voters of the state at large. The secretary of state shall, on or before the tenth day of March of the year of the May presidential primary election, certify to the county clerk or registrar of voters of each county, or city and county, the number of delegates to be so elected by each of the political parties qualified to participate in the said election. Any political party shall be qualified to participate in the May presidential primary election which is qualified to participate in the August primary election according to the provisions of the "direct primary law."

Sec. 3. The names of persons to be voted upon as delegates to the respective national conventions of the several political parties shall be printed upon the ballots of their respective parties upon the filing of nomination papers substantially as provided in the "direct primary law"; provided, that, in the case of each party, nomination papers for candidates for delegates must be signed by the same number of electors as is required on the nomination paper of a candidate for United States senator; and provided, also, that whenever a candidate for delegate files a statement with the secretary of state, as herein-after provided in this section, wherein as a delegate he enrolls himself with other delegates in expressing his preference for the same person as candidate for presidential nominee, there may be nominated by the same nomination paper the names of all such candidates for delegates who are included in such statement as have individually filed similar statements with the secretary of state. The form of nomination paper as set forth in section five of said direct primary law shall be changed for this purpose by substituting, in the appropriate place, for the name of a single candidate, as follows: "hereby nominate the following:

Names.	Residence City or Town.	County.	Number Congressional District.
1.
2.
3.

(to 26 names, or such other number as may be required) as candidates for delegate to the national party convention, to be voted for at the primary election to be held on the day of May, 19....."

And by making such other changes in said form as may be necessary. The verification deputies to obtain signatures on the nomination paper for such group of candidates for delegates may be appointed, either according to the provisions of subdivision two a of section five of said direct primary law, by

said candidates for delegates joining together in the appointment of said deputies; or, according to the provisions of subdivision two b of said section five, by the "five registered qualified electors" appointing said deputies to obtain signatures for the nomination of all of said candidates whose names are grouped together on the same nomination papers; **provided, however,** that the number of such candidates for delegates shall not be greater than the total number of delegates to be elected by said party; **and provided, further,** that the names of such candidates thus grouped together shall be so selected that the smallest number of such candidates who shall reside in any one congressional district shall be no less than the integer of the quotient obtained by dividing the number of the names of such candidates appearing upon the same nomination paper by the total number of congressional districts of the state and that the largest number of such candidates who shall reside in any one congressional district shall be no greater than twice said integer; and if not so selected said names shall not be grouped together on the ballot, but shall appear as individuals.

Candidates for delegate grouped together on the same nomination paper and selected as aforesaid shall be similarly grouped, in the same order of names, upon the ballots of their party; **provided,** that such group of candidates for delegate has the endorsement of that candidate for presidential nominee for whom the members of said group have filed a preference, or the endorsement of such a state campaign committee created in support of the candidacy of said presidential nominee as shall not be repudiated by him as lacking authority to make such endorsement; said endorsement, either of the candidate or of the state campaign committee supporting him, to be filed with the secretary of state. No candidates for delegate not thus endorsed shall have their names printed upon the ballot in a group, but such candidates must appear as individuals; **and further provided,** that the name of no candidate shall appear more than once on the ballot, and that any candidate whose nomination paper is filed in more than one group, or in the same group differently arranged, shall have his name printed on the ballot as a part of that group which has had first filed the endorsement as herein recited; **provided,** that one of the groups in which his name occurs has received such endorsement. Each candidate for election as delegate to his national party convention must file with the secretary of state not later than the time of filing of the nomination papers containing his name, and affidavit substantially as provided in section five of the "direct primary law," and may also include with his affidavit the following statement:

Delegate's Statement.

"I personally prefer as nominee of my political party for president of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall, to the best of my judgment and ability, support said as nominee of my party for president of the United States" (filling in the blanks by inserting his choice for such nominee). But the neglect or failure of any candidate to include any statement of preference for presidential nominee shall not be a valid ground on the part of the secretary of state for refusal to receive and file the nomination paper containing his name.

However, each candidate for delegate whose name is filed upon a nomination paper together with the names of other candidates, as hereinbefore in this section provided, in order to have his name printed upon the ballot in a group with such other names, must file such statement of preference, and shall add to it the following:

"And I hereby enroll myself in the expression of preference for said for presidential nominee, as one of the following named candidates for delegate:

.....
etc.

(the blanks immediately following the word "delegate" being filled in by the printed or typewritten names of all the candidates for delegate, including the signer, whose names appear upon the same nomination paper in accordance with the provisions of this section.)

(Signed)

Sec. 4. The names of the candidates for delegate of any political party shall be arranged upon the ballot of such party in parallel columns, the various candidates for delegate appearing in these columns under their preference for president according to the provisions of section three of this act. That group

of candidates which shall first file its nomination paper with the secretary of state shall be entitled to the first or left hand column; the group which next files its nomination paper shall be entitled to the second column; and similarly for all other groups. The left column shall be headed in heavy face, ten point, gothic type, the following:

"CANDIDATES PREFERRING"

(The blank being filled in by the name of that candidate for presidential nominee for whom the members of the group in said left hand column have expressed a preference.) The second column shall be similarly headed except that the name of the candidate shall be that preferred by the members of the group in said second column; and so on for as many columns as may have groups who have expressed a preference for presidential nominee.

To the right of the last column headed by the name of a candidate for presidential nominee shall be a column headed by the words "no preference," in heavy face, ten point, gothic type, in which column shall appear the names of all candidates for delegate who have expressed no preference for presidential nominee, or who have expressed a preference for a presidential nominee who has not endorsed said candidates, either personally, or through the state campaign committee created in support of his candidacy, as such endorsement is provided for in section three of this act. To the right of the last column shall be a column headed by the words "blank column" in heavy face, ten point, gothic type, which column shall contain as many blank spaces as there are delegates to be elected by the political party concerned. In case that there are no names of candidates for delegate to be placed in a "no preference column," such "no preference column" shall be omitted from the ballot, and the "blank column" as herein provided for shall be placed to the right of and contiguous to the last column headed by the surname of a candidate for presidential nominee.

The names of the various candidates for delegates shall be printed in eight point, roman capital type, under their respective preferences for presidential nominee or in the no preference column, as heretofore provided in this act. The names of each group on the ballot shall be numbered in heavy face, eight point type. The order of names for each column upon the ballot shall be the same as the order in which such names were filed with the secretary of state; provided, that above the individual names in each column, if any, shall appear the group of names, if any, which has received the endorsement referred to in section three of this act.

A blank column one-half inch wide shall be left upon the ballot opposite each group of names and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed "A cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any name from any other name not in a group or from any group of names shall be heavier than any line separating the individual names in such group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "top of group," and above the bottom line of the extension, the words "end of group."

Sec. 5. The delegates to each national party convention elected at the May presidential primary election, shall, before leaving the state to attend the convention, meet together and select alternates to the convention. The number of alternates to be selected shall be no greater than one for each delegate, and each alternate must be selected from the congressional district of the delegate for whom he is an alternate; and the method of selection shall be as determined upon by the majority of the whole number of delegates who have been elected to the convention. The duties of an alternate shall be those usually appertaining to that position, and as prescribed by each party in the call for its national convention. The alternate of any such delegate as may be unable to attend the convention, shall attend the convention in his place, and shall otherwise discharge the duties of said delegate, but shall not vote in place of said delegate when said delegate is occupying his seat at the convention.

Sec. 6. For purposes of the May presidential primary election only the new registration, beginning on January first of the year in which such May presidential primary election is held, shall be used. Any person registered in accordance with the provisions of this section, and who has stated his political affiliation in accordance with sections one thousand ninety-six and one thousand ninety-seven of the Political Code, shall be qualified to vote at such election, and shall receive the ticket of that political party only with which he has

declared himself affiliated. Any person qualified by the provisions of this section to vote at any May presidential primary election shall also be qualified to sign the nomination papers of any person to be voted upon at such primary election.

Sec. 7. The ballot to be used at the May presidential primary election shall be prepared according to the provisions of sections 3 and 4 of this act, and also according to such provisions of the "direct primary law" as are applicable to this act and not in conflict with its provisions; **provided**, that the words at the top of the ballot shall be "Official presidential primary election ballot," and that the instructions to voters shall be as follows: "To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote; or if you wish to vote for all of a group of persons, stamp a cross (X) in the square opposite such group which cross shall be counted for each name of the group. A group consists of candidates for delegates nominated on the same nomination paper. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose; and it is optional, but not necessary, to stamp a cross after such name."

There shall be printed in heavy face, twelve point, gothic type, across the page above the columns of candidates for delegates, the words, "For delegates to national convention vote for either as individuals or by group, but do not vote for more than (the blanks being filled in by the number of delegates to be elected by the political party concerned.)

Sec. 8. The provisions of the direct primary law, including the provisions as to the preparing and mailing of sample ballots, shall govern the May presidential primary election in so far as said provisions are applicable to said election and are not inconsistent with or in conflict with the provisions of this act.

Sec. 9. This act shall be known as the presidential primary act.

Sec. 10. It shall be the duty of the secretary of state and the attorney general to prepare, on or before the first day of January, 1924, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all presidential primary elections held in pursuance hereof.

VOTING MACHINE ACT

An act creating a state commission on voting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the immediate result of such elections; and providing for the punishment of all violations of the provisions of this act. (Approved May 3, 1923.)

Section 1. At all state, county, city and county, city, town and district elections of any character, primary, general, special or otherwise, hereafter held in the State of California, ballots or votes may be cast, registered, recorded and counted by means of voting machines, as hereinafter provided, and in compliance with section six of article two of the constitution of the State of California.

Sec. 2. The governor, secretary of state and attorney general, and their successors in office are hereby created and constituted the state commission on voting machines. It shall be the duty of said commissioners to examine all voting machines, which may be offered for their inspection, in order to determine whether such machines comply with the requirements of this act, unless the said machine or machines shall have previously received the approval of a majority of said commission as herein provided.

Any machine or machines which shall have the approval of a majority of said commission may be provided for use at elections by the boards authorized so to do under the provisions of this act. The report of said commission on each and every kind of voting machine shall be filed with the secretary of state within thirty days after their examination of said machines and the secretary of state must within five days after the filing of any report approving any machine or machines, transmit to the boards of supervisors or other boards having charge and control of elections in each of the counties, cities and counties, cities or towns of the state, a list of the machines so approved.

No machine or machines shall be used unless such type of machine shall have received the approval of the state commission prior to any election at which such machine or machines are to be first used.

Sec. 3. Any person or corporation owning or being interested in any voting machine may apply to the state commission on voting machines to examine such machine and report on its accuracy and efficiency to register the votes cast thereon. The commissioners shall examine the machine and report accordingly. The report shall be filed in the office of the secretary of state and shall state whether in their opinion the kind of machine so examined can be safely used by such voters at elections, under the conditions prescribed in this act. If the report states that the machine can be so used, it shall be deemed approved by the commissioners and machines of its kind may be adopted for use at elections as herein provided. When the machine has been so approved by the commissioners any improvement or change that does not impair its accuracy and efficiency shall not render necessary a reexamination or reapproval thereof. Any form of voting machine not so approved, or which has not been heretofore examined by said commissioners and reported on pursuant to law and its use specifically authorized by law, can not be used at any election.

For the purpose of assistance in examining such machine the said commissioners may employ not more than three expert machinists at a cost of not more than ten dollars for each day employed. The compensation of said machinists shall be paid by the person or corporation submitting the machine. Within thirty days after completing the examination of any voting machine the commissioners shall make and file with the secretary of state written or printed description and such drawing and photographs as shall clearly identify such machine and the mechanical operation thereof; and within ten days after receiving such report the secretary of state shall send a copy thereof to the board of supervisors or other board having charge of elections of each of the counties, cities and counties, cities and towns.

Sec. 4. No voting machines shall be approved by the state commission on voting machines unless it be so constructed to fulfill the following requirements: It shall secure to the voter secrecy in the act of voting. It shall provide

facilities for voting for the candidates of as many political parties or organizations as may make nominations, and for or against questions. The voting devices for the candidates at primary elections shall be arranged in separate parallel party lines, one or more lines for each party and in parallel office rows transverse thereto, and for general elections shall conform as nearly as practicable to the form of ballot provided for in section 1197 of the Political Code. No voting machine shall be approved except such as provides in the general election, for grouping, under the name of the office to be voted on, all the candidates for such office with the designation of the parties, if any, by which they were respectively nominated. It shall permit the voter to vote for any person for any office that he shall have the right to vote for but none other. It shall, except at primary elections, permit the voter to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties. It shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for but no more. It shall prevent the voter from voting for the same person more than once for the same office. It shall permit the voter to vote for or against any question he may have the right to vote on but none other. When used in primary elections it shall be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine. It shall correctly register or record all votes cast for any and all persons and for or against any and all questions. It shall be provided with a lock or locks by which all operation of the registering mechanism can be prevented as soon as the polls of the election are closed. It shall be provided with a "protective counter," or "protective device," whereby any operating or tampering with the machine before or after the election will be detected. It shall be provided with a counter which shall show at all times during an election how many persons have voted. It shall be provided with a mechanical model, illustrating the manner of voting on the machine suitable for the instruction of voters. It may also be provided with one device for each party, for voting for all the presidential electors of that party by one operation, and a ballot label therefor containing only the words "presidential electors" preceded by the name of the party and followed by the names of the candidates thereof for the offices of president and vice president, and a registering device therefor which shall register the vote cast for said electors when thus voted collectively, and similarly may be provided with one device for each party for voting, at the May presidential primary election, by one operation for such groups of candidates to national conventions as may be voted for as a group according to the provisions of the presidential primary act; **provided, however,** that means shall be furnished whereby the voter can cast a vote in part for the candidates for delegates to a national convention or for presidential electors of one party and in part for those of one or more other parties or in part or in whole for persons not nominated by any party; and **provided further,** that no straight party voting device shall be used except for delegates to a national convention or for presidential electors as set forth herein. Voting machines shall provide for the same order of the list of candidates for any office as is provided for in section 1197 of the Political Code.

Sec. 5. The board of supervisors or other board having charge and control of elections in each of the counties, and cities and counties, cities or towns, of the state may adopt for use at elections any kind of voting machine approved by the state commission on voting machines, or the use of which has been specifically authorized by law; and thereupon such voting machine may be used at any or all elections held in any county, city and county, city, town or any political subdivision thereof for voting, registering and counting votes cast at such elections. Voting machines of different kinds may be adopted for different districts in the same county, city and county, city, town or political subdivision thereof. Party nominations may be designated by usual or reasonable abbreviation of party names.

The local authorities adopting voting machines shall as soon as practicable thereafter, provide for each polling place one or more voting machines in complete working order, and shall have the custody thereof and of the furniture and equipment of the polling place when not in use at an election. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following such adoption, as many may be supplied as it is practicable to procure, and the same may be used in such election district or precincts within the county, city and county, city, town or other political subdivision as the officers adopting the same may direct.

Sec. 6. The local authorities of a county, city and county, city or town

authorized by the last section to adopt a voting machine may provide for the experimental use, at an election in one or more precincts, of a machine which it might lawfully adopt, without a formal adoption thereof; and its use at such election shall be as valid for all purposes as if it had been lawfully adopted.

Sec. 7. The board of supervisors or other board having charge of elections of the several counties and cities and counties and the legislative bodies of the incorporated cities, and towns therein, may provide for the payment of a voting machine or machines in such manner and method as they may deem for the best local interest, and also may for that purpose issue bonds, certificates of indebtedness or other obligations which shall be a charge on the county, city and county, city or town. Such bonds, certificates or other obligations may be issued with or without interest, payable at such time or times as the authorities may determine, but shall not be issued or sold at less than par.

Sec. 8. That portion of cardboard, paper, or other material, placed on the front of the machine containing the names of the candidates, or a statement of a proposed constitutional amendment or other question or proposition to be voted on, shall be known in this act as a ballot label. The ballot label shall be caused to be printed and shall be furnished by the county clerk, registrar of voters or other officer having control of elections and shall be printed in black ink on clear white material of such size as will fit the machine and in plain, clear type as the space will reasonably permit.

Sec. 9. The officers or board charged with the duty of providing ballots for any polling place shall provide therefor two sample ballots which shall be arranged in the form of a diagram showing such part of the face of the voting machine as shall be in use at that election. Such sample ballots shall be either in full or reduced size and shall contain suitable illustrated directions for voting on the voting machine. Such sample ballots shall be open to public inspection at such polling place during the election day. In all elections where voting machines are used there shall be furnished a sufficient number of such sample ballots of reduced size, one of which sample ballots shall be mailed by the proper officer to each registered voter at least five days before the day of election. Such sample ballots shall be printed on tinted paper.

Sec. 10. Two sets of ballot labels shall be provided for each voting machine for each election. Such ballot labels shall be delivered to the officer in charge of the voting machines at least ten days before the election.

Sec. 11. The county clerk, registrar of voters, or other officer having charge and control of elections in each of the counties, and cities and counties, cities or towns of the state, shall cause the proper ballot labels to be placed on the machines corresponding with the sample ballots herein provided for, and the machine in every way put in order, set and arranged, ready for use in voting at such election; and for the purpose of so labeling, putting in order, setting and arranging the machine, shall employ competent persons who shall be sworn to perform their duties honestly and faithfully. No person shall be appointed to serve unless he shall be fully qualified to perform his duties in connection with the complete preparation of the machines for the election and the instructing of the election officers and voters. Said assistants, shall, under the direction of said board or officer having charge and control of the arrangement of the machines, cause said machines to be so labeled, put in order, set, arranged and delivered to the polling places of the election district in which the election is to be held, together with all furniture and appliances necessary for the proper conducting of the election, at least five hours before the time set for the opening of the polls on election day. In preparing a voting machine for an election said officer or officers shall according to the printed directions furnished, arrange the machine and the ballot labels therefor so that it will in every particular meet with the requirements for voting and counting at such election, and thoroughly test the same. Before preparing a voting machine for any general election written notice shall be mailed to the chairman of the county, city and county, city or town committee of at least two of the principal political parties, stating the time and place where machines will be prepared, at which time one representative of each of such political parties will be afforded an opportunity to see that the machines are in proper condition for use in the election; such representatives shall be sworn to faithfully perform their duties but shall not interfere with the officials or assume any of their duties. When a machine has been so examined by such representative it shall be sealed with a numbered metal seal. Such representatives shall certify to the number of the machines; whether all of the counters are set at zero (000) and the number registered on the protective counter, and on the seal. After the preparation of the machines, an officer or officers or some one duly authorized, other than the person who has prepared them for the election, shall inspect each machine, and report

in writing whether all of the registering counters are set at zero (000) and the machine is arranged in all respects in good order for the election and locked, the number registered on the protective counter, and the number on the seal. When a voting machine has been properly prepared for election, it shall be locked against voting, and sealed; and the keys thereof shall be delivered to the board of officials having charge and control of elections, together with a written report, made on blanks furnished stating that it is in every way properly prepared for the election. All voting machines shall be transferred to the polling places in charge of an authorized official, who shall certify to their delivery in good order. Every voting machine shall be furnished with a lantern, or proper substitute for one, which shall give sufficient light to enable electors while in the booth to read the ballot labels and suitable for use by the election officers in examining the counters. The lantern or light fixture shall be prepared in good order for use before the opening of the polls. All voting machines used in any election shall be provided with a screen, hood, or curtain, which shall be so made and adjusted as to completely conceal the elector and his action while voting.

Sec. 12. Not less than ten days before each election, the officer in charge of elections shall instruct each board of election officials that is to serve in an election precinct in the use of the machine, and in their duties as members of the board of election in connection therewith; and he shall give to each officer of election that has received such instruction and is fully qualified to properly conduct the election with the machine, a certificate to that effect. For the purpose of giving such instruction the official in charge of elections shall call such meeting, or meetings, of the boards of election as shall be necessary. The board of election of each election precinct in which a voting machine is used, shall attend such meeting, or meetings, as shall be called, for the purpose of receiving such instruction, concerning their duties as shall be necessary for the proper conduct of the election with the machine. No member of a board of election shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to perform his duties in connection with the machine, and has received a certificate to that effect; provided, however, that this shall not prevent the appointment and service of a member of an election board to fill a vacancy in an emergency.

Sec. 13. The county clerk, registrar of voters, or other officer having charge of elections as the case may be, shall cause to be delivered to the inspector or one of the judges of the election not later than twelve hours before the time for opening the polls the keys for the voting machine, which shall be delivered in a sealed envelope on which shall be written the designation and location of the election precinct, the number of the voting machine, the number or other designative mark on the seal, and the number registered on the protective counter, for which a receipt shall be taken on the blank attached thereto, two diagrams, one extra set of ballot labels, one envelope containing seal for sealing the machine after the polls are closed, one envelope for the return of the keys, two statements of the result of the vote cast and all other supplies necessary for conducting the election. The envelope containing the keys shall not be opened until at least two members of the board shall be present at the polling place and shall have examined the envelope to see that it has not been opened.

Sec. 14. In each election district where voting machines are used, statements of the result of the vote cast shall be printed to conform with the type of voting machine used, on form approved by the secretary of state. The designating number and letter on the counter for each candidate shall be printed next to the candidate's name on the statements of result of the vote cast. Two such statements shall be used in each such election district. The board must also, before it adjourns, post conspicuously, on the outside of the polling place, a copy of the result of the votes cast at such polling place; such copy of the result must be signed by the members of the board and attested by the clerks. The board must also immediately transmit unsealed to the county clerk or other official in charge of elections a copy of the result of the votes cast at such polling place, which copy must be signed by the members of the board, and which copy shall be open to the inspection of the press and public.

Sec. 15. The board of election of each precinct shall meet at the polling place therein at least three-quarters of an hour before the time set for the opening of the polls at each election, and shall proceed to arrange for the proper conduct of the election. The board shall thereupon cause at least two instruction cards to be posted conspicuously within the polling place. Before opening the envelope all election officers present shall examine the number on the seal on the machine, also the number registered on the protective counter, and shall see if they are the same as the numbers written on the envelope containing the keys. If the numbers

on the seal and protective counter are found to agree with the numbers on the envelope the inspectors shall proceed to open the doors concealing the counters. Before the polls are open for election, each member of the board shall carefully examine every counter and see that it registers zero (000) and the same shall be subject to the inspection of the official watchers. The machine shall remain locked against voting until the polls are formally opened, and shall not be operated except by voters in voting. If any counter is found not to register zero (000), the board of election shall immediately make a written statement of the designating letter and number of such counter, together with the number registered thereon, and shall sign and post same upon the wall of the polling room, where it shall remain throughout the election day, and in filling out the statement of return of votes cast, they shall subtract such number from the number then registered thereon.

Sec. 16. Ballots voted for any person whose name does not appear on the machine as a nominated candidate for office, are herein referred to as irregular ballots. Where two or more persons are to be elected to the same office, and each candidate's name is placed upon or adjacent to a separate key or device, and the machine requires that all irregular ballots voted for that office be deposited, written or affixed in or upon a single receptacle or device, a voter may vote in or by such receptacle or device for one or more persons whose names do not appear upon the machine with or without the names of one or more persons whose names do so appear.

In voting for presidential electors, a voter may vote an irregular ticket made up of the names of persons in nomination by different parties, or partially of names of persons so in nomination and partially of names of persons not in nomination, or wholly of names of persons not in nomination by any party. Such irregular ballot shall be deposited written or affixed in or upon the receptacle or device provided on the machine for that purpose.

With these exceptions, no irregular ballot shall be voted for any person for any office whose name appears on the machine as a nominated candidate for that office; any irregular ballot so voted shall not be counted. An irregular ballot must be cast in its appropriate place on the machine, or it shall be void and not counted.

Sec. 17. The exterior of the voting machine and every part of the polling places shall be in plain view of the election officers and watchers. The voting machine shall be placed at least four feet from the poll clerk's table. The voting machine shall be so located in the polling place, that, unless its construction requires otherwise, the ballot labels on the face of the machine can be plainly seen by the election officers when not in use by voters. The election officer attending the machine shall inspect the face of the machine after each voter has cast his vote, to see that the ballot labels are in their proper places.

Sec. 18. After the opening of the polls, the board shall not allow any voter to enter the voting machine until they ascertain that he is duly entitled to vote. Before each voter enters the voting machine, the board of the election shall, so far as possible, inform him how to operate the machine, and illustrate same upon the model of the machine, and call his attention to the diagram. If any voter shall, after entering the voting machine, ask for information regarding its operation, the board of election shall give him the necessary information. No voter shall remain within the voting machine booth longer than two minutes, and if he shall refuse to leave it after the lapse of two minutes, he may be removed by the board of election.

Sec. 19. There shall be printed directions in the statement of result of votes cast to the election officers for their guidance before the polls are opened and when the polls are closed; a certificate of which shall be signed by the election officers before the polls are opened, showing the delivery of the keys in a sealed envelope; the number on the seal; the number registered on the protective counter; whether all of the counters are set at zero (000); whether the public counter is set at zero (000); whether the ballot labels are properly placed in the machine. Also a certificate which shall be filled out after the polls have been closed, that the machine has been locked against voting and sealed; the number of electors as shown on the public counter; the number on the seal; the number registered on the protective counter, and that the voting machine is closed and locked. The statement of result of votes cast shall show the total number of votes cast for each office, the number of votes cast for each candidate as shown on his counter, and the number of votes for persons not nominated, which shall be certified by the board of election. As soon as the polls of the election are closed, the board of election shall immediately lock the voting machine against voting, and open the counting compartments, in the presence of the watchers and all other persons who may lawfully be within the polling place,

giving full view of all counter numbers. The chairman of the board of election shall, in the order of the offices as their titles are arranged on the machine, read and announce in distinct tones the designating number and letter on each counter for each candidate's name, the result as shown by the counter numbers, and shall then read the votes recorded for each office on the irregular ballots. He shall also in the same manner announce the vote on each constitutional amendment, proposition or other question. The vote as registered shall be entered on the statements of result of votes cast, in the same order on the space which has the same designating number and letter, after which the figures shall be verified by being called off in the same manner from the counters of the machine by another member of the board. The counter compartment of the voting machine shall remain open until the official returns and all other reports have been fully completed and verified by the election board. During such time any candidate or watcher who may desire to be present shall be admitted to the polling place. The proclamation of the result of the votes cast shall be deliberately announced in a distinct voice by the board of election who shall read the name of each candidate, with the designating number and letter of his counter, and the vote registered on such counter; also the vote cast for and against each question submitted. During such proclamation ample opportunity shall be given to any person lawfully present to compare the result so announced with the counter dials of the machine and any necessary corrections shall then and there be made by the election board, after which the doors of the voting machine shall be closed and locked. Before adjourning the board shall, with the seal provided therefor, so seal the operating lever and lock the machine that the voting and counting mechanism will be prevented from operation.

Sec. 20. The board of election shall, as soon as the count is complete and fully ascertained, lock the machine against voting and it shall remain locked and sealed against operation until the time for filing contest of election has expired which shall not exceed a period of thirty (30) days following any state, primary general or special election or a period of eight (8) days following any city, city and county, town or other election, held by any municipal corporation or subdivision of this state at which voting machines are used in any or all of the precincts.

Sec. 21. The keys of the machine shall be enclosed in an envelope which shall be supplied by the officials on which shall be written the number of the machine and the precinct and other district where it has been used, which shall be securely sealed and indorsed by the election officers, and shall be so returned to the officer from whom they were received. The number on the seal and the number registered on the protective counter, shall be written on the envelope containing the keys. A public officer who, by any provision of law, is entitled to the custody of a machine for any period of time shall be entitled to the keys therefor while such machine is in his charge. It shall be unlawful for any unauthorized person to have in his possession any key or keys of any voting machine used in an election; and all election officers, or persons entrusted with such keys for election purposes, or in the preparation of the machine therefor, shall not retain them longer than necessary to use them for such legal purpose.

Sec. 22. Whenever it shall appear that there is a discrepancy in the returns of any election precinct, the county clerk, registrar of voters or other official in charge and control of elections shall summon the board of election thereof and said board shall, in the presence of said official, make a record of the number of the seal and the number on the protective counter, open the counter compartment of said machine, without unlocking said machine against voting, and shall recanvass the vote cast thereon.

Sec. 23. For any election in any county, city and county, cities or towns in which voting machines are to be used, the election precincts in which such machines are to be used may be created, united, divided or combined by the officers charged with the duty of creating election precincts, at any time on or before the fortieth day preceding any election.

The board of election where voting machines are used shall consist of one inspector and two judges; the judges shall act as clerks, provided where more than one voting machine is used in any precinct there shall be appointed an additional inspector for each additional machine.

Sec. 24. All the provisions of the Political Code, the Penal Code, and the general laws relating to elections, of the primary election laws, and of any city, or city and county, charter or ordinance not inconsistent with this act shall apply to all elections in districts or precincts where voting machines are used; and any provision of law, or of any city, or city and county charter, or ordinance, which conflicts with the use of such machines as herein set forth, shall not apply to the

districts or precincts in which voting machines are used; and all acts, or parts of acts, or city, or city and county charters, or ordinances, in conflict with any of the provisions of this act, shall be of no force or effect in election districts or precincts where voting machines are used.

The provisions of the penal laws and election laws relating to misconduct at elections shall apply to elections with voting machines.

Any person, who shall, before or during an election, tamper with any voting machine; or who shall interfere, or attempt to interfere, with the correct operation of the voting machine, or the secrecy of voting; or shall wilfully injure a voting machine, to prevent its use; or, any election or police officer, or any one employed to assist in the care or arrangement of the voting machine, or any unauthorized person who shall make or have in his possession a key to a voting machine that has been adopted and will be used in election in this state shall be guilty of a felony, punishable by imprisonment in a state prison for not less than one year nor more than fourteen years.

Sec. 25. The list of offices and candidates, and the statements of questions used on the voting machines shall be deemed an official ballot and the words "ballot labels," as used in this act shall mean the cards, paper or other material containing the names of officers and candidates, and statements of questions to be voted on. The word "diagram" shall mean an illustration of the official ballot when placed upon the machine, showing the names of the parties, offices and candidates, and statements of the questions in their proper places, together with the voting device therefor, and shall be considered a sample ballot. The word "question" shall mean a statement of such constitutional amendment or other proposition as shall be submitted to a popular vote at any election; provided, however, the ballot labels for "questions" shall contain a condensed statement of not more than twenty words, of each question to be voted on, accompanied by the words "Yes" and "No." The words "irregular ballot" shall mean the paper or other material on which a vote is cast for persons whose names do not appear on the ballot labels. The word "vote indicator" shall mean those devices with which votes are indicated for candidates, or for or against questions. The word "counters" shall mean the counters on which are registered the votes cast for candidates and on questions. The words "public counter" or "protective counter" shall mean a counter or device that will register each time the machine is operated and shall be so constructed, and so connected that it can not be reset, altered or operated, except by operating the machine. The words "voting machine booth" shall mean the enclosure occupied by the voter when voting. The word "model" shall mean a mechanically-operated model of a portion of the face of the machine illustrating the manner of voting. The words "statement of votes cast" shall mean a statement and return in book or sheet form of the votes cast at any election together with suitable certificates of its correctness.

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